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CANADA

Debates of the Senate

1st SESSION

• 38th PARLIAMENT •

VOLUME 142

• NUMBER 1

OFFICIAL REPORT
(HANSARD)

Monday, October 4, 2004

THE HONOURABLE DAN HAYS
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Monday, October 4, 2004

THIRTY-EIGHTH PARLIAMENT OPENING OF FIRST SESSION

Parliament having been summoned by Proclamation to meet this day for the dispatch of business:

The Senate met at 10:30 a.m.

Prayers.

The Hon. the Speaker: Honourable senators, I have the honour to inform you that I have received the following communication from Government House, which reads as follows:

RIDEAU HALL

September 27, 2004

Mr. Speaker

I am commanded to inform you that the Right Honourable Beverley McLachlin, Chief Justice of the Supreme Court of Canada, in her capacity as Deputy of the Governor General, will proceed to the Chamber of the Senate to open the First Session of the Thirty-Eighth Parliament of Canada at 11:00 a.m. on Monday, the 4th day of October, 2004.

Yours sincerely,

Curtis Barlow
Deputy Secretary
(Policy, Program, Protocol)

The Honourable
The Speaker of the Senate
Ottawa

The Senate adjourned during pleasure.

At 10:55 a.m. the sitting was resumed and was then adjourned, pending the arrival of the Deputy of Her Excellency the Governor General.

The Right Honourable Beverley McLachlin, Deputy of Her Excellency the Governor General, having come and being seated,

The Hon. the Speaker commanded the Usher of the Black Rod to proceed to the House of Commons and acquaint that House that it is the desire of the Honourable the Deputy of Her Excellency the Governor General that they attend her immediately in the Senate Chamber.

Who being come,

The Hon. the Speaker said:

Honourable Members of the Senate:

Honourable Members of the House of Commons:

I have it in command to let you know that Her Excellency the Governor General does not see fit to declare the causes of her summoning the present Parliament of Canada until a Speaker of the House of Commons shall have been chosen, according to law; but tomorrow, Tuesday, October 5, 2004, at the hour of 3 p.m., Her Excellency will declare the causes of her calling this Parliament.

The House of Commons withdrew.

The Honourable the Deputy of Her Excellency the Governor General was pleased to retire.

The sitting was resumed.

COMMUNICATION FROM GOVERNMENT HOUSE

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that I have received a communication from Government House, which reads as follows:

RIDEAU HALL

September 27, 2004

Mr. Speaker

I have the honour to inform you that Her Excellency the Right Honourable Adrienne Clarkson, Governor General of Canada and His Excellency John Ralston Saul will arrive at the Peace Tower at 15:00 on Tuesday, the 5th day of October, 2004.

When it has been indicated that all is in readiness, Their Excellencies will proceed to the Chamber of the Senate to formally open the First Session of the Thirty-Eighth Parliament of Canada.

Yours sincerely,

Curtis Barlow
Deputy Secretary
(Policy, Program, Protocol)

The Honourable
The Speaker of the Senate
Ottawa

ADJOURNMENT

Hon. Bill Rompkey (Deputy Leader of the Government):
Honourable senators, I move that the Senate adjourn until
3 p.m. tomorrow.

The Hon. the Speaker: Is it the pleasure of honourable senators
to adopt the motion?

Hon. Senators: Agreed.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Daniel P. Hays

THE LEADER OF THE GOVERNMENT

The Honourable Jack Austin, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Noël A. Kinsella

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

According to Precedence

(October 4, 2004)

The Right Hon. Paul Martin	Prime Minister
The Hon. Jacob Austin	Leader of the Government in the Senate
The Hon. Jean-C. Lapierre	Minister of Transport
The Hon. Ralph E. Goodale	Minister of Finance
The Hon. Anne McLellan	Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness
The Hon. Lucienne Robillard	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Stéphane Dion	Minister of the Environment
The Hon. Pierre Stewart Pettigrew	Minister of Foreign Affairs
The Hon. Andy Scott	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. James Scott Peterson	Minister of International Trade
The Hon. Andrew Mitchell	Minister of Agriculture and Agri-Food
The Hon. William Graham	Minister of National Defence
The Hon. Albina Guarnieri	Minister of Veterans Affairs
The Hon. Reginald B. Alcock	President of the Treasury Board and Minister responsible for the Canadian Wheat Board
The Hon. Geoff Regan	Minister of Fisheries and Oceans
The Hon. Tony Valeri	Leader of the Government in the House of Commons
The Hon. M. Aileen Carroll	Minister of International Cooperation
The Hon. Irwin Cotler	Minister of Justice and Attorney General of Canada
The Hon. Judy Sgro	Minister of Citizenship and Immigration
The Hon. Ruben John Efford	Minister of Natural Resources
The Hon. Liza Frulla	Minister of Canadian Heritage and Minister responsible for Status of Women
The Hon. Giuseppe (Joseph) Volpe	Minister of Human Resources and Skills Development
The Hon. Joseph Frank Fontana	Minister of Labour and Housing
The Hon. Scott Brison	Minister of Public Works and Government Services
The Hon. Ujjal Dosanjh	Minister of Health
The Hon. Ken Dryden	Minister of Social Development
The Hon. David Emerson	Minister of Industry
The Hon. Ethel Blondin-Andrew	Minister of State (Northern Development)
The Hon. Raymond Chan	Minister of State (Multiculturalism)
The Hon. Claudette Bradshaw	Minister of State (Human Resources Development)
The Hon. John McCallum	Minister of National Revenue
The Hon. Stephen Owen	Minister of Western Economic Diversification and Minister of State (Sport)
The Hon. Joseph McGuire	Minister of the Atlantic Canada Opportunities Agency
The Hon. Joseph Robert Comuzzi	Minister of State (Federal Economic Development Initiative for Northern Ontario)
The Hon. Mauril Bélanger	Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages, Minister responsible for Democratic Reform and Associate Minister of National Defence
The Hon. Carolyn Bennett	Minister of State (Public Health)
The Hon. Jacques Saada	Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie
The Hon. John Ferguson Godfrey	Minister of State (Infrastructure and Communities)
The Hon. Tony Ianno	Minister of State (Families and Caregivers)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(October 4, 2004)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld. & Lab.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.

Senator	Designation	Post Office Address
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
Jean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Yves Morin	Lauson	Quebec, Que.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Laurier L. LaPierre	Ontario	Ottawa, Ont.
Viola Léger	Acadie/New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Royal, Que.
Mac Harb	Ontario	Ottawa, Ont.
Madeleine Plamondon	The Laurentides	Shawinigan, Que.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(October 4, 2004)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	C
Angus, W. David	Alma	Montreal, Que.	C
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	C
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	C
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	C
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	C
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	C
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	C
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld. & Lab.	PC
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Lib
Eyton, J. Trevor	Ontario	Caledon, Ont.	C
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	C
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	C
Harb, Mac	Ontario	Ottawa, Ont.	Lib
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	C
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	C
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	C
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	C
Kirby, Michael	South Shore	Halifax, N.S.	Lib
LaPierre, Laurier L.	Ontario	Ottawa, Ont.	Lib
Lapointe, Jean	Sauvel	Magog, Que.	Lib
Lavigne, Raymond	Montarville	Verdun, Que.	Lib
LeBreton, Marjory	Ontario	Manotick, Ont.	C
Léger, Viola	Acadie/New Brunswick	Moncton, N.B.	Lib
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	C
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovlich, Francis William	Toronto	Toronto, Ont.	Lib
Massicotte, Paul J.	De Lanaudière	Mont-Royal, Que.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	C
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Lib
Merchant, Pana	Saskatchewan	Regina, Sask.	Lib
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Morin, Yves	Lauzon	Quebec, Que.	Lib
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	C
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	C
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Plamondon, Madeleine	The Laurentides	Shawinigan, Que.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Lib
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Ind
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Lib
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	C
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Lib
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	Ind
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	C
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	C
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Lib
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(October 4, 2004)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
16 Lorna Milne	Peel County	Brampton
17 Marie-P. Poulin	Northern Ontario	Ottawa
18 Francis William Mahovlich	Toronto	Toronto
19 Vivienne Poy	Toronto	Toronto
20 Isobel Finnerty	Ontario	Burlington
21 Laurier L. LaPierre	Ontario	Ottawa
22 David P. Smith, P.C.	Cobourg	Toronto
23 Mac Harb	Ontario	Ottawa
24 Jim Munson	Ottawa/Rideau Canal	Ottawa

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 John Lynch-Staunton	Grandville	Georgeville
4 Jean-Claude Rivest	Stadacona	Quebec
5 Marcel Prud'homme, P.C.	La Salle	Montreal
6 W. David Angus	Alma	Montreal
7 Pierre Claude Nolin	De Salaberry	Quebec
8 Lise Bacon	De la Durantaye	Laval
9 Céline Hervieux-Payette, P.C.	Bedford	Montreal
10 Shirley Maheu	Rougemont	Ville de Saint-Laurent
11 Lucie Pépin	Shawinigan	Montreal
12 Marisa Ferretti Barth	Repentigny	Pierrefonds
13 Serge Joyal, P.C.	Kennebec	Montreal
14 Joan Thorne Fraser	De Lorimier	Montreal
15 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
16 Yves Morin	Lauzon	Quebec
17 Jean Lapointe	Saurel	Magog
18 Michel Biron	Milles Isles	Nicolet
19 Raymond Lavigne	Montarville	Verdun
20 Paul J. Massicotte	De Lanaudière	Mont-Royal
21 Madeleine Plamondon	The Laurentides	Shawinigan
22		
23		
24		

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Michael Kirby	South Shore	Halifax
2 Gerald J. Comeau	Nova Scotia	Saulnierville
3 Donald H. Oliver	Nova Scotia	Halifax
4 John Buchanan, P.C.	Halifax	Halifax
5 J. Michael Forrestall	Dartmouth and the Eastern Shore	Dartmouth
6 Wilfred P. Moore	Stanhope St./Bluenose	Chester
7 Jane Cordy	Nova Scotia	Dartmouth
8 Gerard A. Phalen	Nova Scotia	Glace Bay
9 Terry M. Mercer	Northend Halifax	Caribou River
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Viola Léger	Acadie/New Brunswick	Moncton
7 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
8 Pierrette Ringuette	New Brunswick	Edmundston
9 Marilyn Trenholme Counsell	New Brunswick	Sackville
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Victoria Beach
5 Maria Chaput	Manitoba	Sainte-Anne
6		

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C.	Vancouver South	Vancouver
2 Pat Carney, P.C.	British Columbia	Vancouver
3 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
4 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
5 Mobina S.B. Jaffer	British Columbia	North Vancouver
6		

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 A. Raynell Andreychuk	Regina	Regina
3 Leonard J. Gustafson	Saskatchewan	Macoun
4 David Tkachuk	Saskatchewan	Saskatoon
5 Pana Merchant	Saskatchewan	Regina
6		

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Tommy Banks	Alberta	Edmonton
4		
5		
6		

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
3 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
4 Joan Cook	Newfoundland and Labrador	St. John's
5 George Furey	Newfoundland and Labrador	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador	Gander

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

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CANADA

Debates of the Senate

1st SESSION

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VOLUME 142

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NUMBER 2

OFFICIAL REPORT
(HANSARD)

Tuesday, October 5, 2004

—◆—
THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, October 5, 2004

The Senate met at 3 p.m., the Speaker in the chair.

Prayers.

The Hon. the Speaker: As there is no business before the Senate, is it your pleasure, honourable senators, that the Senate do now adjourn during pleasure to await the arrival of Her Excellency the Governor General of Canada?

The Senate adjourned during pleasure.

At 3:20 p.m., Her Excellency the Governor General having come and being seated upon the Throne —

The Hon. The Speaker said:

Usher of the Black Rod,

You will proceed to the House of Commons and acquaint that House that it is the pleasure of Her Excellency the Governor General that they attend her immediately in the Senate chamber.

The House of Commons being come,

Their Speaker, the Hon. Peter Milliken, said:

May it please Your Excellency,

The House of Commons has elected me their Speaker, though I am but little able to fulfil the important duties thus assigned to me. If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Commons, whose servant I am, and who, through me, the better to enable them to discharge their duty to their Queen and Country, humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to Your Excellency's person at all seasonable times, and that their proceedings may receive from Your Excellency the most favourable construction.

The Hon. the Speaker of the Senate answered:

Mr. Speaker, I am commanded by Her Excellency the Governor General to declare to you that she freely confides in the duty and attachment of the House of Commons to Her Majesty's Person and Government, and not doubting that their proceedings will be conducted with wisdom, temper and prudence, she grants, and upon all occasions will recognize and allow, their constitutional privileges. I am commanded also to assure you that the Commons shall have ready access to Her Excellency upon all seasonable occasions and that their proceedings, as well as your words and actions, will constantly receive from her the most favourable construction.

SPEECH FROM THE THRONE

Her Excellency the Governor General was then pleased to open the First Session of the Thirty-eighth Parliament of Canada with the following speech:

Honourable Members of the Senate,

[Translation]

Members of the House of Commons

[English]

Ladies and Gentlemen:

[Translation]

I congratulate both the returning members of Parliament, as well as the more than one hundred who are newly elected, as you take up your duties in the House of Commons for this Thirty-Eighth Parliament of Canada.

This year, Canadians commemorated the 60th anniversary of D-Day and the landing of allied forces in Europe — an event that spelled the beginning of the end of the Second World War. Canadian soldiers, sailors and aircrews fought with dogged bravery and were ultimately victorious on Juno Beach that day.

Shortly, I will be going to Italy to commemorate the significant campaign in which six thousand Canadians sacrificed their lives. To me, personally, these commemorations are a symbol of our eternal gratitude and an affirmation that we have not forgotten.

[English]

On these occasions, we are reminded of the huge debt we owe to those in uniform who have served this country — then and today. Our veterans connect generations and Canadians. As a country and as individuals, we gain in pride and in purpose from their deeds and their service.

I recently concluded extended visits to six cities of varying size — Saint John, Quebec City, Toronto, Saskatoon, Calgary and Vancouver. In them, I found remarkable, innovative projects for social renewal and individual commitment. They express the confidence and love that we all hold for this country. This is the spirit of Canada I see as Governor General.

The Government starts this new session with a commitment that all parliamentarians share — regardless of political affiliation — to contribute to real progress for Canadians, for this country, for our future. The Government faces a new Parliament fresh from an election. The people of Canada want this Government, and all parliamentarians, to rise above partisanship to address the public interest. They want their political leaders to catch up with Canadians' own ambitions for the country and their readiness to take on the world with confidence.

Each of us must take responsibility. The Government will do its part to ensure that this minority Parliament works. Working together, we can unite the voices of all Canadians in common purpose.

The Government's actions on behalf of Canadians will be guided by these seven commitments:

- to be unwavering in the application of fiscal discipline, the foundation of so much of Canada's success over the past decade;

[Translation]

- to promote the national interest by setting the nation's objectives and building a consensus toward achieving them;

[English]

- to pursue these objectives in a manner that recognizes Canada's diversity as a source of strength and innovation;
- to aim for tangible, practical results for Canadians and report to them so that they can hold their governments to account;
- to defend the Charter of Rights and Freedoms and to be a steadfast advocate of inclusion;

[Translation]

- to demand equality of opportunity so that prosperity can be shared by all Canadians; and

[English]

- to assert Canada's interests and project our values in the world.

Together, we can move Canada forward.

A STRONG ECONOMY

Our quality of life, job opportunities and capacity to support our social goals rely on a globally competitive economy.

Canada has a solid record of economic achievement. Over the past 10 years, we generated over three million new jobs. Since 1997, we have led all G7 countries in the growth of living standards. And low interest rates have made home ownership easier than it has been in decades.

This has not happened by accident. A *virtuous circle* led to increased confidence, lower interest rates and robust growth of well-paying jobs. The increase in revenues and the recovery of fiscal sovereignty have in turn permitted the Government to reduce and improve the fairness of taxes, and make new social and economic investments. This virtuous circle will continue.

We have been successful, but we will not be complacent. The Government will not spend itself into deficit. It will continue to pay down debt. Its objective is to reduce the debt-to-GDP ratio to 25 per cent within 10 years. It will provide transparent, accountable management, treating every tax dollar with respect. The Government will make the difficult decisions among competing priorities and systematically review all expenditures, reallocating from old to new, from past to future.

Canada must now elevate its economic performance to the next level. Advancing technology and pervasive global competition demand of Canada a commitment to excellence, the pursuit of greater productivity, and a vision directed outward to the challenges and opportunities the world presents.

[Translation]

The Government will pursue a five-point strategy to build an even more globally competitive and sustainable economy.

The first element is to invest in people, Canada's greatest source of creativity and economic strength.

We must invest in helping workers to continuously enhance their skills to keep pace with constantly evolving workplace requirements. To that end, the Government will develop a new Workplace Skills Strategy, including steps to enhance apprenticeship systems, and to boost literacy and other essential job skills. This will be complemented by up-to-date training facilities and labour market agreements to be developed in collaboration with the provinces and territories, unions and sector councils.

The Government will continue to review the Employment Insurance program to ensure that it remains well-suited to the needs of Canada's workforce.

Efforts to improve the recognition of foreign credentials and prior work experience have yielded too little progress. Looking to the growing contribution that will be required from new Canadians as our population ages, this Government will redouble its efforts, in cooperation with the provinces and professional bodies, to help integrate them into the workforce.

[English]

To increase access to post-secondary education, the Government will introduce legislation to implement its Learning Bond, an innovative savings vehicle that it announced to help low-income families provide for their children's post-secondary education.

The second element of the economic strategy is to strengthen Canada's ability to generate and apply new ideas.

The Government of Canada has made substantial investments — more than \$13 billion since 1997 — that have built a strong foundation in basic science and technology, including the Canada Foundation for Innovation, health research and other initiatives to create leading-edge capabilities. It will continue to build on this strength.

The National Science Advisor is assisting the Government to ensure that these investments are strategic, focused and delivering results, and is working to bring about a fuller integration of the Government's substantial in-house science and technology activity.

The next challenge is to turn more of Canadians' bright ideas into dynamic businesses, great jobs and growing export earnings. To that end, the Government will ensure a supply of venture capital, particularly for early-stage businesses — for example, through the venture financing arm of the Business Development Bank of Canada.

The Government will develop policies to foster Canadian capabilities in key enabling technologies — such as biotechnology, information and communications, and advanced materials — which will be drivers of innovation and productivity in the 21st-century economy.

Providing “smart government” — the third element of our economic strategy — aims to make it easier for businesses to do business in Canada.

Smart government includes a transparent and predictable regulatory system that accomplishes public policy objectives efficiently while eliminating unintended impacts. This can be a key competitive advantage for Canada. That is why the Government welcomes the just-released report of the External Advisory Committee on Smart Regulation.

Smart government also includes providing an up-to-date legislative framework for business. The Government will therefore propose changes to modernize the Competition Act.

[Translation]

The fourth element of the Government's overall economic strategy is a commitment to regional and sectoral development.

The Government will do its part to enable the success of important sectors, including automotive, aerospace and other manufacturing, as well as agriculture and other resource-based industries.

[English]

Canada's regional economies are a vital source of economic strength and stability. Support for regional and rural economic development will target the fundamentals — skills upgrading, support for research and development, community development, and modern infrastructure such as broadband communication — by employing the regional agencies and tools such as the Atlantic Innovation Fund.

The Government's regional objectives will be complemented by the most fundamental reform of the Equalization program in its 47-year history. The objective is

to make more stable and predictable the total payments by the federal government to the less-wealthy provinces in support of key public services.

A region of particular challenge and opportunity is Canada's North — a vast area of unique cultural and ecological significance. The Government will develop, in cooperation with its territorial partners, Aboriginal people and other northern residents, the first-ever comprehensive strategy for the North. This northern strategy will foster sustainable economic and human development; protect the northern environment and Canada's sovereignty and security; and promote cooperation with the international circumpolar community.

Promotion of trade and investment is the fifth pillar of the Government's economic strategy.

Strong investment will be the primary generator of growth and good jobs for the future. The Government will foster investment by attending to the conditions that encourage entrepreneurs and providers of risk capital. These include sound monetary and fiscal policies as well as competitive taxes, efficiently targeted to promote economic growth.

Canada has always been a trading nation, but never more so than today. It is therefore vital that we secure and enhance our access to markets, both in North America and the world. To this end, the Government will continue to push for an open, rules-based international trading system and a successful conclusion of the Doha Round of global trade negotiations.

Issues such as softwood lumber and BSE underline the importance the Government attaches to obtaining more reliable access to U.S. markets. It will build on the successful Smart Borders initiative and on measures designed to develop a more sophisticated and informed relationship involving business and government officials in the United States.

The Government will enhance its capacity to expand international trade and commerce, with a particular focus on North America and emerging markets.

To complement its international commerce initiatives, the Government is determined to forge a stronger Canadian economic union, free of the internal barriers that still diminish opportunities and reduce our competitiveness.

THE HEALTH OF CANADIANS

Canadians have told their governments, year after year, to renew Medicare, to stop bickering and work together to ensure that it will be there for them and their children. Governments have responded. On September 15, all fourteen First Ministers agreed on the *Ten-year Plan to Strengthen Health Care*.

The Plan sets out a clear commitment, shared by all provinces and territories, to achieve tangible results — results for patients. What united all First Ministers was the commitment to a meaningful reduction in wait times for health services because it is key to transforming the health system. The Plan holds all governments to account by establishing a requirement for evidence-based benchmarks, comparable indicators, clear targets and transparent reporting to the public on access to health care. This means that the needs of patients will drive change.

The Plan will accelerate reform and ensure better access to key tests and treatments. It will increase the number of doctors, nurses and other health professionals. This will be helped by quicker assessment and integration of those who have received their training abroad. The Plan will improve access to home and community care services and to safe and affordable drugs.

The Plan commits to a 10-year track of substantial, predictable long-term funding, closing what has been called the “Romanow Gap.” The Plan creates a Wait Times Reduction Fund, so that Canadians can see tangible progress in key areas such as cancer and heart treatment, diagnostic imaging, joint replacements and sight restoration.

The Plan addresses the unique challenges facing the delivery of health care services in Canada’s North, including the costs of medical transportation, and encourages innovative delivery of services to rural Canada.

As part of the Plan, governments will, for the first time, set goals and targets for improving the health status of Canadians. The Health Council of Canada will provide an annual report on health status and health outcomes, and will report on progress in implementing the Plan.

Funding arrangements will require that jurisdictions comply with the reporting provisions agreed to by First Ministers.

[Translation]

Better health for Canadians requires more than just timely access to health care. It requires the promotion of healthy living, addressing risk factors such as physical inactivity and nutrition; the prevention of injury; and integrated disease strategies. The Government will also work with partners to enhance sports activities at both the community and competitive levels.

The Government has already appointed a new Chief Public Health Officer for Canada to drive real change. The Government will also proceed with new health protection legislation. And it welcomes the development of the Pan-Canadian Public Health Network, which will

strengthen collaboration among public health organizations nationwide. The Network will build capacity and provide coordinated responses to infectious disease outbreaks and other public health emergencies.

[English]

CHILDREN, CAREGIVERS AND SENIORS

For a decade, all governments have understood that the most important investment that can be made is in our children. That is why, even when it was fighting the deficit, the Government established the National Child Benefit — the most significant national social program since Medicare.

There is more that must be done to help families help their children. Parents must have real choices; children must have real opportunities to learn. The time has come for a truly national system of early learning and child care, a system based on the four key principles that parents and child care experts say matter — quality, universality, accessibility and development.

The Government will put the foundations in place with its provincial and territorial partners, charting a national course that focuses on results, builds on best practices and reports on progress to Canadians. Within this national framework, the provinces and territories will have the flexibility to address their own particular needs and circumstances.

[Translation]

As our society ages, Canadian families are caring not only for young children but increasingly for elderly spouses and grandparents as well.

The Government recognizes the vital role of Canadians who care for aged or infirm relatives or those with severe disabilities. It will improve its existing tax-based support and will ask Parliament to consult across the country on additional initiatives.

Building on previous measures, the Government will assist people with disabilities in becoming more self-reliant by drawing on the upcoming recommendations of the Technical Advisory Committee on Tax Measures for Persons with Disabilities.

Canada’s seniors are healthier and living longer than ever before. Many want to remain active and engaged in community life. To help them, the Government has announced the New Horizons program and will explore other means of ensuring that we do not lose the talents and contribution that seniors can make to our society.

Canada’s seniors have earned the right to be treated with dignity. As one step, the Government will increase the Guaranteed Income Supplement for Canada’s least well-off seniors.

[English]

ABORIGINAL CANADIANS

We must do more to ensure that Canada's prosperity is shared by Canada's Aboriginal people — First Nations, Inuit and Métis. We have made progress, but it is overshadowed by the rates of fetal alcohol syndrome and teen suicide in Aboriginal communities. These are the intolerable consequences of the yawning gaps that separate so many Aboriginal people from other Canadians — unacceptable gaps in education attainment, in employment, in basics like housing and clean water, and in the incidence of chronic diseases such as diabetes.

The Canada-Aboriginal Peoples Roundtable held last April was a major step along a new path of partnership and prosperity. The Government and Aboriginal leaders agreed to measurable goals to reduce these gaps and their consequences.

What could be more profound than targeting real change in the rate of fetal alcohol syndrome and teen suicide?

At their meeting on September 13 of this year, all First Ministers and Aboriginal leaders took action. There, this Government undertook to provide \$700 million to encourage greater Aboriginal participation in the health professions, to address chronic diseases such as diabetes, and to create an Aboriginal Health Transition Fund to better adapt existing health care services to Aboriginal needs.

The Government is working together with Aboriginal Canadians and provincial and territorial governments to create the conditions for long-term development — learning, economic opportunity, and modern institutions of Aboriginal governance — while respecting historical rights and agreements.

The Government and Aboriginal people will together develop specific quality-of-life indicators and a "Report Card" to hold all to account and to drive progress.

CANADA'S CITIES AND COMMUNITIES

Canadians want their communities, towns and cities to be great places to live — safe, with affordable housing, good public transit, clean air and water, and abundant green spaces. Communities are key to our social goals and our economic competitiveness. They are the front lines in building a better quality of life.

Through the *New Deal for Canada's Cities and Communities*, and working with the provinces and territories, the Government will make available, for the benefit of municipalities, a portion of the federal gas tax, growing over the next five years. These funds will enable municipalities to make long-term financial commitments needed to help contain urban sprawl and to invest in new sustainable infrastructure projects in areas like transit, roads, clean water and sewers.

To address key issues such as urban renewal, immigrant integration and the challenges facing off-reserve Aboriginal Canadians, the Government will expand the partnership approach used to develop the Vancouver and Winnipeg Agreements and proceed to implement its recent agreement with the Government of Ontario to cooperate in service delivery. The Government will also build on the work of the Harcourt Advisory Committee.

Shelter is the foundation upon which healthy communities and individual dignity are built. The Government will extend and enhance existing programs such as the Affordable Housing Initiative, the Supporting Communities Partnership Initiative for the homeless, and the Residential Rehabilitation Assistance Program.

[Translation]

What makes our communities strong is the willingness of men and women from all walks of life to take responsibility for their future and for one another. We can see this in the number of voluntary organizations and social economy enterprises that are finding local solutions to local problems. The Government is determined to foster the social economy — the myriad not-for-profit activities and enterprises that harness civic and entrepreneurial energies for community benefit right across Canada. The Government will help to create the conditions for their success, including the business environment within which they work. To that end, it will introduce a new Not-for-Profit Corporations Act.

What makes our communities work is our deep commitment to human rights and mutual respect. The Government is committed to these values. It will modernize Canada's Citizenship Act to reaffirm the responsibilities and rights of Canadian citizenship and our values of multiculturalism, gender equality and linguistic duality. It is implementing the Official Languages Action Plan and will continue to promote the vitality of official language minority communities. It will take measures to strengthen Canada's ability to combat racism, hate speech and hate crimes, both here at home and around the world. And it will table legislation to protect against trafficking in persons and to crack down on child pornography.

What makes our communities vibrant and creative is the quality of their cultural life. The Government will foster cultural institutions and policies that aspire to excellence, reflect a diverse and multicultural society, respond to the new challenges of globalization and the digital economy, and promote diversity of views and cultural expression at home and abroad.

[English]

OUR ENVIRONMENT

Our quality of life today, and the legacy we bequeath to future generations, demands fundamental change in the way in which we think about the environment.

The Government will work with its partners to build sustainable development systematically into decision making.

As the ethic and imperative of sustainability take deeper root worldwide, human ingenuity will turn increasingly to ways to produce and use energy more cleanly and efficiently; to eliminate toxins from our air, water and soil; and to build more sustainable communities. Here lie great new opportunities for the world economy. Canada's entrepreneurs must aim to be at the leading edge.

To that end, the Government will work with the private sector to improve the commercialization of the best new environmental technologies. Major investments funded out of the proceeds of the sale of the Government's Petro-Canada shares will support their development and deployment.

The Government will work to get its own house in order. It will consolidate federal environmental assessments and will work with the provinces and territories toward a unified and more effective assessment process for Canada. By 2006, the Government will implement a new Green Procurement Policy to govern its purchases. It will also introduce legislation that will strengthen the focus on the ecological integrity of Canada's national parks.

[Translation]

Nowhere are the challenges and opportunities of sustainability more evident than in the way in which we use and produce energy. The Government will place increased focus on energy efficiency and energy research and development. It will engage stakeholders in developing comprehensive approaches to encourage increased production and use of clean, renewable energy and to promote greater energy efficiency. This will build on efforts already underway, including support for wind-power production in Canada, stimulated by a quadrupling of the Wind Power Production Incentive.

[English]

The Government reiterates that it will respect its commitment to the Kyoto Accord on climate change in a way that produces long-term and enduring results while maintaining a strong and growing economy. It will do so by refining and implementing an equitable national plan, in partnership with provincial and territorial governments and other stakeholders.

As the Government builds a sustainable society at home, it will continue to pursue multilateral and bilateral approaches to what are ultimately global challenges. For example, it will work with the United States and agencies like the International Joint Commission on issues such as clean air, clean water and invasive species. In 2005, the Government will bring forward the next generation of its Great Lakes and St. Lawrence programs, underscoring its commitment to protect and preserve these internationally significant shared ecosystems.

The Government will also move forward on its Oceans Action Plan by maximizing the use and development of oceans technology, establishing a network of marine

protected areas, implementing integrated management plans, and enhancing the enforcement of rules governing oceans and fisheries, including rules governing straddling stocks.

A ROLE OF PRIDE AND INFLUENCE IN THE WORLD

In today's world, effective international engagement is needed to advance national aspirations. Now that time and distance have lost their isolating effect, it is no longer possible to separate domestic and international policies. Canada's internationalism is a real advantage, but we must find new ways to express it if we are to effectively assert our interests and project our values in a changing world.

Just as Canada's domestic and international policies must work in concert, so too must our defence, diplomacy, development and trade efforts work in concert. This fall, the Government will release a comprehensive International Policy Statement that will reflect this integration. Parliamentarians and other Canadians will have the opportunity to debate its analyses and proposed directions.

Meanwhile, the world does not wait. The new security threats that face Canada demand new approaches immediately. The Government has already responded. In April of this year, it introduced Canada's first-ever comprehensive National Security Policy, which will ensure a more focused and integrated approach to securing our open society. The Government is now implementing this policy. In this context, the Government is also deepening cooperation with the United States on mutual assistance in the event of major natural or human-caused emergencies.

This new context requires us to manage wisely our relationship with the United States, to know our friend better, and to strengthen our economic and security relations. Our relationship must be built on shared values, on mutual respect, and on a strong and independent voice for Canada.

Enhancing Canada's security means that we have to invest more in our military as part of defending ourselves at home, in North America and in the world. We have to earn our way in the world. But ours will never be the biggest military force, so it must be smart, strategic and focused.

[Translation]

Canada's proud tradition as a leader in peacekeeping is being tested today by increasing demands in extremely dangerous and politically complicated situations, often involving failed and failing states. We have seen what extraordinary work Canadian men and women can do in places like Afghanistan, Bosnia and Haiti. We know that Canadians are among the best in the world in meeting the challenge of being soldiers to make the peace, diplomats to negotiate the peace and aid workers to nurture the peace.

That is why the Government will be increasing our regular forces by some 5,000 troops and our reserves by 3,000 so that they may be better prepared and equipped to meet these challenges.

As Darfur and other situations have shown, sometimes intervention is best achieved by regional forces attuned to their cultural and geographic conditions. In such cases, particularly in Africa, Canada intends to continue playing a role by training regional peacekeepers, to prepare them to conduct challenging security operations within the principles of international humanitarian law.

In so many of the world's trouble spots, establishing order is only the first step. Poverty, despair and violence are usually rooted in failed institutions of basic governance and rule of law. This is where Canada, with its commitment to pluralism and human rights, can make a unique contribution.

That is why the Government is establishing the Canada Corps. Its mandate is first, to put our idealism to work by helping young Canadians bring their enthusiasm and energy to the world; second, to bring our skills and ideas to bear by ensuring that experts of all ages and backgrounds — for example, in governance, health, economics, human rights — can get to the places in the world that need them; and third, to coordinate the efforts of government and to work with civil society. The Canada Corps will bring the best of Canadian values and experience to the world.

[English]

For all that we as Canadians want to achieve, and for all that we want for others, we also need international institutions that work. Dealing with complex issues like the "responsibility to protect" and managing the global commons will require leadership from all continents — from North and South. For that reason, the Government will work to bring about a meeting of G20 leaders to address common and pressing concerns, such as how to improve public health systems, combat terrorism and reform our multilateral institutions.

GOVERNING IN COMMON PURPOSE

The Government's agenda for this Parliament is based on a comprehensive strategy to build a prosperous and sustainable 21st-century economy for Canada; strengthen the country's social foundations; and secure for Canada a place of pride and influence in the world.

Supported by a committed and excellent public service, the Government will work diligently in this minority Parliament to address the priority areas it has identified. It will also introduce initiatives in many other areas, including commitments from the last Speech from the Throne, and will build on the work of Parliamentary committees, involve

parliamentarians in the review of key appointments, and examine the need and options for reform of our democratic institutions, including electoral reform.

The Government invites members from both Chambers to join with it in the same democratic spirit: committed to unity and the inclusion of all regions and all voices, ready to work in common purpose on behalf of Canada.

Members of the House of Commons:

[Translation]

You will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament.

[English]

Honourable Members of the Senate and Members of the House of Commons:

As you carry out your duties and exercise your responsibilities, may you be guided by Divine Providence.

The sitting was resumed.

RAILWAYS BILL

FIRST READING

Hon. Bill Rompkey (Deputy Leader of the Government) presented Bill S-1, relating to railways.

Bill read first time.

SPEECH FROM THE THRONE

CONSIDERATION AT NEXT SITTING

The Hon. the Speaker: Honourable senators, I have the honour to inform you that Her Excellency the Governor General has caused to be placed in my hands a copy of her Speech delivered this day from the Throne to the two Houses of Parliament. It is as follows —

Hon. Senators: Dispense.

The Hon. the Speaker: Honourable senators, when shall this speech be taken into consideration?

Hon. Bill Rompkey (Deputy Leader of the Government) moved:

That the Speech of Her Excellency the Governor General delivered this day from the Throne to the two Houses of Parliament be taken into consideration at the next sitting.

Motion agreed to.

COMMITTEE OF SELECTION**APPOINTMENT**

Hon. Bill Rompkey (Deputy Leader of the Government) moved:

That, pursuant to rule 85(1), the Honourable Senators Bacon, Carstairs, Comeau, Fairbairn, LeBreton, Losier-Cool, Rompkey, Stratton and Tkachuk be appointed

a Committee of Selection to nominate (a) a senator to preside as Speaker *pro tempore* and (b) the senators to serve on the several select committees during the present Session; and to report with all convenient speed the names of the senators so nominated.

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

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(HANSARD)

Wednesday, October 6, 2004

—
THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, October 6, 2004

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before we proceed, have been asked to advise that it is intended that the official photograph of the Senate be taken on Wednesday, October 20, 2004. The photograph is an important part of the parliamentary record and is useful for historic purposes.

Is it agreed that the photograph be taken on Wednesday, October 20, at the commencement of the sitting?

Hon. Senators: Agreed.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE JACK MARSHALL

The Hon. the Speaker: Honourable senators, I have received a notice from the Leader of the Opposition who requests, pursuant to rule 22(10), that the time provided for consideration of Senators' Statements be extended today for the purpose of paying tribute to our former colleague, the Honourable Senator Jack Marshall, whose death occurred on August 17, 2004.

I remind senators that the time for speaking to tributes is 15 minutes. I have approximately six senators on my list.

Hon. Ethel Cochrane: Honourable senators, I rise today in memory of one of our former colleagues, who during his tenure in this place provided one of the finest examples of true service to Canada. I am referring, of course, to my friend the Honourable Jack Marshall, who passed away in August at the age of 84.

Despite his many political successes, the army was his true calling. As many of us recall, he was the only officer cadet in the Canadian army who went ashore on D-Day. Not only did he survive the beaches of Normandy, he was promoted to the rank of captain by war's end.

Later in life, Jack had the kind of career politicians dream of but rarely achieve. His son, Tom, Newfoundland and Labrador's current Minister of Justice, put it best when he said, "What I admired about him was that he was more popular when he left politics than when he got in."

It was that popularity that led Jack to successive electoral victories in 1968, 1972 and 1974 in my home riding of Humber—St. George's—St. Barbe. We were very well represented in the House of Commons under Jack's watch. He was a politician who was always available. He was always working on something for someone, always thinking of those whom he represented. In those days, his travel schedule was well known in our riding. Every time he arrived home at the Stephenville Airport, his first stop would be to check in with the local media, where he would inform them and the public of when and where he could be reached.

Jack was a Newfoundlander through and through. He was completely devoted to his adopted province and deeply committed to his constituents. In 1970, he made headlines when he said that he was ready to lead Newfoundland fishermen to sail out and shoot any trawler that destroyed fishing gear. He said at that time:

There has been a total and complete collapse of the fishing industry on much of the coast. We won't sit by and let it start up again.

In 1978, Jack was called to the Senate. As a senator, he was keenly aware of the needs and concerns of those he represented, and he represented them with vigour.

He also became known for his tireless advocacy work on behalf of our veterans. For years now, without fail, Jack's name comes up whenever I visit my local branch of the Royal Canadian Legion. Whereas I used to receive countless queries regarding his health and his whereabouts, now I am met with sadness. Veterans tell me how sorry they were to learn of his passing. They say, with great sincerity, that he is a man who will surely be missed. I can only agree.

Indeed, Jack's legacy of service continued well after his retirement from the Senate. This past year, his work was acknowledged once again when he received the Order of Ontario.

I know honourable senators will join me in offering to Jack's wife Evelyn and his children our sincere condolences. To Jack, we extend our gratitude for all he accomplished during his time here and for raising the bar for each one of us as we continue in his work.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, it is an honour for me to say a few words about Jack Marshall. Born in Cape Breton, he spent most of his adult life in Western Newfoundland — which should come as no great surprise because there is just a small body of water joining the two places — and he is not the first one.

Jack enlisted in the Canadian army during the Second World War and quickly rose from private to captain. Settling in Corner Brook after the war, he joined the Royal Newfoundland Regiment, where he rose to the rank of colonel and commanding officer for the whole province.

He was elected to Parliament in 1968 as one of the "Noisy Six" Progressive Conservatives. The assessment then was that when the rest of Canada jumped on the Trudeau bandwagon, Newfoundland and Labrador jumped off. He served in the House of Commons until 1978, when Mr. Trudeau appointed him to the Senate. It is perhaps one of the greatest testimonies to Jack that we thought at that time the only way we could win the seat was by getting Jack Marshall out of it. We were wrong, of course. The people told us what they thought of that manoeuvre by electing the first NDP member of Parliament in our history. We did not win the seat until Brian Tobin, tasked with finding a candidate and unable to do so, in desperation put his name on the ballot. The rest, as they say, is history. Such are the vicissitudes of Newfoundland and Labrador politics.

• (1410)

I want to read into the record a letter I wrote to Jack's son, Tom, now our province's Minister of Justice and Attorney General, as it says what I want to say about Jack.

I was saddened to hear of your father's passing. He and I were good friends and shared a great deal together. We had adjoining constituencies and shared the northern peninsula of Newfoundland. We were interested in the same issues and basically the same people. He was probably the best constituency man I ever knew. He took his work very seriously and I know from experience that quite late at night —

— in spite of the fact there was an hour and a half time difference —

— people would get phone calls from Jack Marshall asking them about particular problems or issues they had raised with him. He worked tirelessly for the people of his district and, of course, for the veterans.

But I remember best the chats we had from time to time, devoid of party politics and cutting through all the veneers, to get down to the real issues and what should be done about them.

I remember in particular our efforts in the late seventies to put in place some regulations for the seal hunt....

We put through a private member's initiative that he and I sponsored together.

The idea was to put in place regulations that would restrict access to the hunt and protect the sealers. That kind of issue means most to a parliamentarian and he and I were quite proud to work on it together.

But it was his humanity that I will remember best. He was a great human being. He was his own person and his own man no matter what. He has been greatly honoured in so many ways, and rightly so, but he knew that honour emanates from within and includes a personal humility. I shall miss him, but remember him with great affection.

[Senator Rompkey]

Hon. Marjory LeBreton: Honourable senators, a valuable colleague left us in August — Colonel, the Honourable Jack Marshall, Grand President of the Royal Canadian Legion. Jack was a friend to Canadian veterans and to the Canadian military for decades. As Senator Cochrane said, he landed on the beaches of Normandy on D-Day with the 3rd Canadian Division.

He was elected to the House of Commons for Humber—St. George's—St. Barbe — and Senator Rompkey is absolutely right — against the Trudeaumania trend in 1968 with Mr. Stanfield as leader. He served in the House of Commons for 10 years.

As a senator, he served on many committees, including the Special Senate Committee on Veterans Affairs, and he was a diligent and loyal supporter of veterans. He retired from the Senate in 1994.

On a personal note, I remember him well when he was elected in 1968. We treasured anyone who was elected in 1968 in the Trudeaumania era. I had the pleasure of working in the leader's office at times when Jack Marshall would call on behalf of one of his causes. Anyone who knew Jack Marshall knew his tenacity and knew he would not accept no for an answer. I have the scars to prove it.

When it comes to helping veterans, no one in this country is owed more than Jack Marshall. After he retired from the Senate, I would see him practically every day enter the Victoria Building where he worked pro bono on veterans' cases out of Senator Brenda Robertson's office.

Jack Marshall deserves the accolades that are being paid to him today. I am certain that his beloved veterans will miss him greatly. I very much doubt that we will see his like again.

Hon. Jeremiah S. Grafstein: Honourable senators, my late father was a decorated veteran of the Polish army and fought in the war for Polish independence following World War I. From early childhood I was always fascinated with military matters and war stories I heard from veterans. Before I came to the Senate, I articulated for Senator Croll and learned of his outstanding military career: rising from private to lieutenant-colonel in his regiment, and his service overseas with such distinction during World War II before returning to Canada in 1945, then to be elected in Spadina as the lone Liberal member in Toronto.

When I came to the Senate, now over two decades ago, I came to know Jack Marshall and discovered his equally fascinating military record of a proud and courageous service at Normandy and beyond during World War II.

Jack was an outstanding advocate for veterans' issues, a strong voice for his region and island home in Newfoundland, and a staunch supporter for a united Canada. As a proud Jew and a proud Canadian, he made me proud to feel privileged to be his colleague here.

Jack will be missed by friends and political foes alike for his humanity and his wit, for all who came to know him could not fail but to respect him for all his works.

We extend to his family our deepest condolences. As we say according to Jewish tradition, may his soul be bound up in the bonds of eternal life.

Hon. John Buchanan: Honourable senators, I rise to pay tribute to a great Canadian, a great Cape Bretoner and a great Newfoundlander, the late Honourable Jack Marshall, C.M., C.D., who was born in Glace Bay and moved to Corner Brook, Newfoundland, where he was in business for many years.

Jack attended Mount Allison Commercial College. I graduated from Mount Allison University a few years ago, along with Jack's brother, Eli.

I first met Jack Marshall in Ottawa in approximately 1970 in the parliamentary dining room with a group of MPs from Nova Scotia and Newfoundland. I think one of them was Senator Forrestall. Bob Coates was there, and others. From that day on until he left the Senate, Jack was a personal friend of mine.

In 1971, when I ran for the leadership of the Progressive Conservative Party and won that leadership, he was a big help to me. One night at about ten o'clock, four delegates from the Dalhousie University Law School Progressive Conservative Club arrived at my headquarters. One was Tom Marshall, who now is the Minister of Justice in the Williams government of Newfoundland and Labrador. Tom came in with the other delegates and told me that he had just had a call from his father in Ottawa, who literally ordered him to come down to my headquarters and work for me in the leadership. As a result of that, I won four of the six delegate votes from the club.

Jack was a veteran with a distinguished career in the military and was a tireless champion for the rights of veterans. He was particularly a champion of the rights of merchant seamen, a group that had been forgotten over the years. Jack Marshall was responsible for the benefits that finally were granted to the merchant seamen veterans of World War II.

I was on the waterfront in Halifax when the monument to the veterans of the merchant seamen was unveiled. I will always remember the glowing terms in which they spoke of the Honourable Jack Marshall and his contribution to ensuring that those veterans were not forgotten.

Just two weeks ago in a Sobeys store in Halifax I ran into Captain Earl Wagner, a veteran of the merchant marine. I told him I would be saying a few words about Jack, and he wanted to ensure that I mentioned what he thought of the Honourable Jack Marshall. Captain Wagner told me that Jack Marshall was number one not only for all veterans but specifically the veterans of the merchant marine.

Honourable senators, we will all remember him; we will all miss him. I extend our deepest sympathy to his family, his son, Tom, his brother Eli and all members of the Marshall family.

• (1420)

Hon. Joyce Fairbairn: Honourable senators, I wish to join in these tributes to a gentleman who was one of the finest and most genuine people I have met in either House on Parliament Hill.

I first got to know Jack Marshall when he was a member of the House of Commons and I was still a reporter in the parliamentary Press Gallery and, as years went by, when I worked with Mr. Trudeau. I do not think that there could have been an appointment to the Senate more popular to either side at that time than that of Jack Marshall.

Previous speakers commented on Jack's military career. As a young man, he rushed on to the beaches of Normandy and, since then, he was forever tied to the military and all that it stood for. In his latter days here in the Senate, he was unquestionably the champion of veterans. As I became interested in veterans' affairs, at his encouragement, everywhere I went in Canada I was asked, "Do you know Jack Marshall?" When I would respond in the affirmative, I would rise a great deal in the esteem of the people to whom I was speaking.

Jack championed every issue of the veterans who served this country, including the merchant marines. However, my most poignant memory is of his obsession with the neglect that had been visited upon our men who went to Korea in what was deemed by some of our allies to be a police action. It was indeed a war where many Canadian lives were lost, and our soldiers went unrecognized because of this war of words, as it became for so many years.

There were no medals for Korean veterans and Jack decided that before he left this place he would change that. A petition was put forward, signed by members of this place and of the House of Commons, asking for medals for those deserving Korean veterans. His success was assured when, after the Gulf War, there was a great desire to honour Canadians who had served in that arena. Jack responded to that by saying that we could not honour those Canadians until our Korean veterans were properly recognized. It was done, and the Canadian Volunteer Korean Service Medal had become part of the military history of this country. It would not have happened without the efforts of Jack Marshall.

Jack will be remembered forever for his love of this place, his love of public life and his love of our veterans. He is the hero of Korean veterans in this country. There is no doubt that he was the "People's Warrior."

I send my condolences and affection to his family. Without having asked, I believe it would be appropriate also to convey the condolences of the General Stewart Branch of the Royal Canadian Legion in Lethbridge, Alberta.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENURE AS CHAIR OF COMMITTEE

Hon. Lise Bacon: Honourable senators, two years ago, I accepted the responsibility of chairing the Standing Committee on Internal Economy, Budgets and Administration with a determination to make every effort to carry out my mandate effectively.

I admit that this was not always easy. Our committee often faced difficult choices and had to make decisions that were at times unpopular with some of our colleagues. Nevertheless, the challenges, the importance of our mission and the will to ensure that the Senate was soundly managed fuelled our determination to see our task through to completion.

I accepted my appointment to the Senate because I have always believed in its importance and its pivotal, less partisan role as a house of review and advice. Despite its critics, we must never underestimate the Senate or the quality of its members.

However, we must recognize that the resources available to us —

The Hon. the Speaker: Honourable senators, I am sorry to interrupt, but I am having some difficulty hearing Senator Bacon. I ask for order.

Senator Bacon: However, we must recognize that the resources available to us must be managed carefully. This money is collected through income tax and is, therefore, the hard-earned money of Canadians.

I firmly believe that when public money is at stake we are morally obligated to be vigilant. Canadians must have confidence in their institutions, and the caretakers of these institutions must set an example by making every effort to ensure the public money put in their hands is spent judiciously.

The Senate does not have unlimited funds. We had to make tough choices. There was no alternative. It is totally unrealistic to think that we could approve every request presented to the committee. We were up against a brick wall — our budget.

The Internal Economy Committee must ensure that spending guidelines are adhered to and that the Senate is worthy of the funds it receives from Canadians. Our institution's legitimacy is often called into question, and the way we manage our budget must, therefore, be above suspicion. There is no escaping this political reality, and we have no choice but to accept it.

To win a popularity contest is not the goal of the Internal Economy Committee. Our mission is to manage the budget fairly and make the necessary decisions, while ensuring financial limitations are respected. In a way, the committee manages reality. It has the unpleasant task of overseeing the allocation of currently available funds.

Our committee worked hard to carry out its responsibilities, and I would point out that many senators actively cooperated with the committee and its members. They made our jobs that much easier, and they are a credit to our institution.

I would extend my special thanks to each committee member and to all of the Senate administration staff, especially the Clerk of the Senate, Mr. Bélisle, who fully supported our activities throughout our mandate. My sincere thanks as well to the steering committee members; the successive deputy chairs, Senators Atkins, Stratton, Robertson and Keon; and Senator Aurélien Gill, who gave me his full support and his friendship.

Hon. Senators: Hear, hear!

CONSERVATIVE PARTY OF CANADA

TRIBUTE TO MR. ROGER BOISVENUE ON RETIREMENT

Hon. Gerry St. Germain: Honourable senators, I rise to pay tribute to Mr. Roger Boisvenue who has this summer retired from parliamentary service after 41 years of faithful and dedicated service to the Conservative Party of Canada, its senators and members of Parliament.

Roger first came to the Hill in 1963, and throughout his career in service to the Conservative Party and its parliamentarians he was the caucus librarian and researcher to no less than 11 national leaders and acting leaders, starting with Prime Minister John Diefenbaker; Robert Stanfield; Prime Minister Joe Clark; Eric Nielsen; Prime Minister Brian Mulroney; Prime Minister Kim Campbell; Jean Charest; Elsie Wayne; Joe Clark, a second time; Peter MacKay; John Lynch-Staunton and Stephen Harper. He also served five Senate leaders, namely, Senators Brooks, Flynn, Roblin, Murray and Lynch-Staunton, and almost served a sixth, our Senate caucus' newly elected leader, Senator Noël Kinsella.

Roger is a veteran of 12 federal general elections: 1965, 1968, 1972, 1974, 1979, 1980, 1984, 1988, 1993, 1997, 2000 and 2004. A list of the Conservative senators and MPs who have come and gone since the summer of 1963 runs to 62 pages with more than 600 names, all of whom Roger has helped, either directly or indirectly.

When Roger signed on with John Diefenbaker in 1963, he was fresh out of high school. There were no computers. The ultimate in high-tech communications was a telex machine, so Roger became a bit of a pack rat. If you were looking for a memo, briefing note, parliamentary report or even a news clipping, there was a good chance that Roger had held on to it at one time.

• (1430)

Files on matters such as the Diefenbaker and Pearson debates in the fall of 1963 or the debates over the new Canadian flag design; news clippings about MPs' salaries of \$18,000 — surprising how some issues never really change — Roger was always there when a parliamentarian needed a Hansard quote or any information request fulfilled. Ever since his time with "The Chief," Roger has been an avid duck hunter and fisherman, having hunted and fished in most parts of Canada.

Well, Roger, I think I can say that the parliamentarians you worked with over the last 40 years thank you for your service and wish you and your family the very best in health and happiness in your retirement years. As a former president of the party and having worked with you closely, I personally want to thank you for your dedicated, loyal friendship.

Hon. Senators: Hear, hear!

MENTAL ILLNESS AWARENESS WEEK

Hon. Joan Cook: Honourable senators, October 4 to 10 is Mental Illness Awareness Week. Coordinated by the Canadian Alliance on Mental Illness on Mental Health, in cooperation with its member organizations and many supporters across Canada, this week's focus is on educating the public about the reality of mental illness.

This week's theme, "Face Mental Illness," seeks to empower those who are suffering in the shadows of mental illness to reach out for help. Mental illness afflicts more than 6 million Canadians during their lifetime and is a leading cause of disability. Its economic and social impacts are staggering, but there are effective treatments for most common mental disorders so many sufferers can lead satisfying and productive lives.

However, the restriction of access to newer medications can impede sufferers' ability to enjoy the benefits of optimal treatment. As of October 1, the government in my home province of Newfoundland and Labrador imposed a restriction on access to atypical antipsychotic drugs used to treat schizophrenia and psychosis. I believe this is a regressive step that fails to consider the long-term cost to sufferers in our health care system.

Access issues aside, the stigma surrounding mental disorders can cause distress to sufferers and their families and act as an impediment to even seeking treatment. Estimates are that two thirds of people who require treatment for a mental illness do not seek help, partly due to the stigma associated with the illness or its treatment.

The exaggeration of the link between mental illness and violence and other widely held misconceptions can lead to discrimination against people living with mental illness. Many sufferers face hardships such as being excluded from social circles and being denied housing, employment and other basic rights. However, every time a mental illness survivor openly shares their experience, a real face is associated with the illness and the general public is more likely to understand its reality.

I would, therefore, like to congratulate those who have shown courage in facing their illness without shame. I would also like to commend the Canadian Alliance on Mental Illness and Mental Health for their efforts in educating Canadians about mental illness. I also implore government decision-makers to closely consider the importance of drug access. We must ensure that those who face mental illness do not also face limited or inadequate treatment options.

Hon. Wilbert J. Keon: Honourable senators, I join Senator Cook in bringing attention to Mental Illness Awareness Week. This week is an annual national public education campaign, established in 1992 by the Canadian Psychiatric Association and now coordinated by the Canadian Alliance on Mental Illness and Mental Health, to bring to the forefront the realities of mental illness.

This is truly a horrendous social problem at this point in time. Nearly 6 million, or one in five Canadians, today are likely to experience a diagnosable mental illness. Three per cent of Canadians are likely to have to live with serious mental illness.

A Canadian study found that two thirds of homeless people using urban shelters suffered from some form of mental illness. Less than 4 per cent of medical research funding goes to mental illness research. Health Canada estimated that mental health problems cost society \$14.4 billion in 1998. By 2020, it is estimated that depressive illness will become the leading cause of disease burden in developed countries like Canada.

Mental Illness Awareness Week seeks to raise awareness of the level of mental illness in Canada; to reduce negative stigma about mental illness among the general population and health care professionals; and to promote the positive effects of best practice in prevention, diagnosis and medical treatment.

Honourable senators, for too long, Canadians with mental illness have been in the shadows. It has been considered one of the invisible disabilities, riddled with shame and misunderstanding. Because of this, too few Canadians know about the burden of mental illness on their society and too few sufferers seek help when they need it.

This year, during the campaign, a new education initiative is being launched with members of Parliament. Canadians are encouraged to share their concerns and stories related to mental illness with their local MPs and federal and provincial health ministers. I ask all honourable senators to read them, to listen and to learn.

PARALYMPIC GAMES 2004

CONGRATULATIONS TO ATHLETES

Hon. Joyce Fairbairn: Honourable senators, I would ask the Senate to join me today in applauding the absolutely extraordinary performance of our Paralympic athletes in the games in Athens, Greece.

Hon. Senators: Hear, hear!

Senator Fairbairn: I cannot express the pride I feel for them and with them. There were 136 countries competing in these events. We did not have the largest team, 143, but we had one of the best — 72 medals, 28 of them gold. We came third in the world, behind China and Britain, ahead of the United States. We received medals on the track, in the pool, and in team sports such as basketball, goal ball and rugby. In power lifting, we raised the roof. Our athletes won gold in Boccia, which is the most difficult of all the Paralympic sports. It was a tribute not only to sports but also to the human spirit.

Leaving aside medals and wins, I have never met a Paralympic athlete who did not choose as one of his or her goals the hope that what they do will affect children throughout the world so that they can live a life perhaps better than that of these athletes; so that when society says, "You cannot do that," they can reply, "Yes, I can!" That is what the Paralympic team has done for Canada. I profoundly hope that this country and this government will listen to that message and will support our athletes who have done Canada enormously proud, both as athletes and as individuals.

Honourable senators, at the very end of the games a week ago, I had the privilege of standing on the Acropolis with a young man named Jeff Adams, one of our great track wheelchair athletes. He climbed the Acropolis in his wheelchair and was met at the top by young people, by children and by adults who were filled with absolute jubilation that anyone would think to try such a thing. His message was, "Yes, I can! You can too!"

Hon. Senators: Hear, hear!

THE LATE DR. EDWARD EMSLIE STEWART, O.C.

TRIBUTE

Hon. Norman K. Atkins: Honourable senators, I rise today to pay tribute to Dr. Edward Emslie Stewart, who passed away on September 25 of this year. Ontario, indeed Canada, has lost one of its outstanding citizens. Dr. Stewart served the province and the country with distinction, and he will be missed by those who worked with him, especially the many friends who knew him.

• (1440)

Born in Montreal, he moved to Windsor at a very young age where he attended public school. He went on to earn a BA from the University of Western Ontario, an MA from the University of Michigan, and a doctorate in education from the University of Toronto. He was awarded an honorary LL.D. by the University of Waterloo in 1983.

Dr. Stewart spent many years as a public school teacher, ultimately joining the Ministry of Education in 1960, where he held several senior positions, such as Assistant Superintendent of Professional Development, Assistant Superintendent Curriculum, Deputy Minister of University Affairs, Assistant Deputy Minister and Deputy Minister of Education. He continued to contribute to education throughout his life by being a guest lecturer.

From 1974 to 1985, he was Deputy Minister, Office of the Premier, subsequently adding the duties of Secretary of the Cabinet and those of Clerk of the Executive Council, all of which he retained until he retired from the public service in July 31, 1985.

[Senator Fairbairn]

When asked, the Honourable William G. Davis said this of Dr. Stewart:

He was respected by everybody. There's not a person you'll find who will say anything unkind about him. He was one of the most able public servants that I have known in my time in public life. I can't say enough about him in terms of both his professional competence, and his sensitivity...

After leaving the government, Dr. Stewart went on to serve on the Board of Governors of York University, the Board of Trustees of the Royal Ontario Museum, the Board of Directors of Phi Delta Kappa and Barclays Bank of Canada, radio station CJRT-FM and the Etobicoke Community Care Access Centre.

Dr. Stewart joined the Labatt Corporation in 1985 and retired from the position of Vice-President, Corporate Affairs, John Labatt Limited, in 1990.

He was honoured in 1987 at the annual Leadership Award of the Ontario Association of Educational Administrative Officials. In 1990, he received the Annual Award of the Public Policy Forum. He went on to be named as an Officer of the Order of Canada in 1991.

Dr. Stewart was keenly interested in ancestral roots and served for a number of years on the board of the Scottish Studies Foundation, three years as its chairman. He played a key role in securing significant philanthropic gifts for the foundation and the Endowed Chair in Scottish Studies at the University of Guelph and was also a member of the Toronto Arts and Letters Club.

Honourable senators, Dr. Stewart was a man of strong character and principle. His unfailing integrity was evident throughout his academic and government career, indeed, in all facets of his life.

John Tory, the new leader of the Progressive Conservative Party of Ontario, who served with Dr. Stewart in the Davis government, said this:

His greatest contribution came, however, in the form of the candid, unvarnished advice he gave — advice which always pointed in the direction of doing the right thing.

We have lost an exceptional Canadian and friend, but his legacy will live on in our hearts and minds. Dr. Stewart was one of those very special people who rose to the top of his profession and one who succeeded regardless of what challenge he took on. I am better for having known him, as I am sure are all his friends and associates.

My condolences go to his wife, Vicky, to whom he was devoted, and to other members of his family.

[Translation]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

2003-04 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to lay upon the table the annual report of the Information Commissioner, pursuant to section 38 of the Access to Information Act, for the financial year ending March 31, 2004.

[English]

GOVERNOR GENERAL

COPIES OF COMMISSIONS APPOINTING SUPREME COURT JUSTICES ABELLA AND CHARRON DEPUTIES TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table a copy of the commissions constituting the Honourable Louise Charron and the Honourable Rosalie Silberman Abella judges of the Supreme Court of Canada, deputies of the Governor General, to do in Her Excellency's name all acts on her part necessary to be done during Her Excellency's pleasure, dated September 24, 2004. I ask that said commissions be printed in the *Journals of the Senate*.

[Translation]

COMMITTEE OF SELECTION

FIRST REPORT PRESENTED

Hon. Rose-Marie Losier-Cool, Chair of the Committee of Selection, presented the following report:

Wednesday, October 6, 2004

The Committee of Selection has the honour to present its

FIRST REPORT

Pursuant to rule 85(1)(a) and 85(2) of the *Rules of the Senate*, your Committee wishes to inform the Senate that it nominates the Honourable Senator Maheu as Speaker *pro tempore*.

Respectfully submitted,

ROSE-MARIE LOSIER-COOL
Chair

Senator Losier-Cool: Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

On motion of Senator Losier-Cool, report placed on the Orders of the Day for examination later this day.

[English]

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Rose-Marie Losier-Cool, Chair of the Committee of Selection, presented the following report:

Wednesday, October 6, 2004

The Committee of Selection has the honour to present its

SECOND REPORT

Pursuant to Rule 85(1)(b) of the *Rules of the Senate*, your Committee submits herewith the list of Senators nominated by it to serve on the following committees:

STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES

The Honourable Senators Angus, Buchanan, P.C., Christensen, Fitzpatrick, Gustafson, Léger, Mercer, Pearson, Sibbeston, St. Germain, P.C., Trenholme Counsell and Watt.

STANDING SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

The Honourable Senators Callbeck, Fairbairn, P.C., Gustafson, Harb, Hubley, Kelleher, P.C., Mahovlich, Mercer, Oliver, Ringuette, Sparrow and Tkachuk.

STANDING SENATE COMMITTEE ON BANKING, TRADE AND COMMERCE

The Honourable Senators Angus, Biron, Fitzpatrick, Grafstein, Harb, Hervieux-Payette, P.C., Kelleher, P.C., Massicotte, Meighen, Moore, Plamondon and Tkachuk.

STANDING SENATE COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

The Honourable Senators Adams, Angus, Banks, Buchanan, P.C., Christensen, Cochrane, Finnerty, Gill, Gustafson, Lavigne, Milne and Spivak.

STANDING SENATE COMMITTEE ON FISHERIES AND OCEANS

The Honourable Senators Adams, Bryden, Comeau, Cook, Fitzpatrick, Hubley, Johnson, Mahovlich, Meighen, Phalen, St. Germain, P.C. and Watt.

STANDING SENATE COMMITTEE ON FOREIGN AFFAIRS

The Honourable Senators Andreychuk, Carney, P.C., Corbin, De Bané, P.C., Di Nino, Downe, Eyton, Grafstein, Poy, Prud'homme, P.C., Robichaud, P.C. and Stollery.

STANDING SENATE COMMITTEE ON HUMAN RIGHTS

The Honourable Senators Andreychuk, Carstairs, P.C., Ferretti Barth, LaPierre, LeBreton, Oliver, Pearson, Poulin and Poy.

STANDING COMMITTEE ON INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

The Honourable Senators Banks, Cook, Day, De Bané, P.C., Di Nino, Furey, Jaffer, Kenny, Keon, Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, P.C. and Stratton.

STANDING SENATE COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

The Honourable Senators Andreychuk, Bacon, Cools, Eyton, Joyal, P.C., Mercer, Milne, Nolin, Pearson, Ringuette, Rivest and Sibbeston.

STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

The Honourable Senators Lapointe, LeBreton, Poy, Stratton and Trenholme Counsell.

STANDING SENATE COMMITTEE ON NATIONAL FINANCE

The Honourable Senators Biron, Comeau, Cools, Day, Ferretti Barth, Finnerty, Harb, Mahovlich, Murray, P.C., Oliver, Ringuette and Stratton.

STANDING SENATE COMMITTEE ON NATIONAL SECURITY AND DEFENCE

The Honourable Senators Atkins, Banks, Cordy, Day, Forrestall, Kenny, Lynch-Staunton, Meighen and Munson.

STANDING SENATE COMMITTEE ON OFFICIAL LANGUAGES

The Honourable Senators Chaput, Comeau, Corbin, Jaffer, Lavigne, Léger, Merchant, Meighen and St. Germain, P.C.

STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

The Honourable Senators Andreychuk, Chaput, Cools, Di Nino, Fraser, Furey, Jaffer, Joyal, P.C., LeBreton, Lynch-Staunton, Maheu, Milne, Poulin, Robichaud, P.C. and Smith, P.C.

STANDING JOINT COMMITTEE FOR THE SCRUTINY OF REGULATIONS

The Honourable Senators Baker, P.C., Biron, Bryden, Hervieux-Payette, P.C., Kelleher, P.C., Lynch-Staunton, Moore and Nolin.

STANDING SENATE COMMITTEE ON SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

The Honourable Senators Callbeck, Cochrane, Cook, Cordy, Fairbairn, P.C., Gill, Johnson, Keon, Kirby, LeBreton, Morin and Pénin.

STANDING SENATE COMMITTEE ON TRANSPORT AND COMMUNICATIONS

The Honourable Senators Baker, P.C., Carney, P.C., Eyton, Fraser, Gill, Johnson, LaPierre, Merchant, Munson, Phalen, Tkachuk and Trenholme Counsell.

Pursuant to Rule 87, the Honourable Senator Austin, P.C. (or Rompkey, P.C.) and the Honourable Senator Kinsella (or Stratton) are members *ex officio* of each select committee.

Respectfully submitted,

ROSE-MARIE LOSIER COOL,
Chair

Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Marcel Prud'homme: In order to facilitate our work later on today, perhaps a list of all the names could be distributed to honourable senators. That would save time.

The Hon. the Speaker: Leave is granted. I will put the motion.

With leave of the Senate and notwithstanding rule 58(1)(g), it is moved by the Honourable Senator Losier-Cool, seconded by the Honourable Senator Robichaud, that this report be taken into consideration later this day.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

BUSINESS OF THE SENATE

NOTICE OF MOTION TO AUTHORIZE COMMITTEES TO MEET DURING ADJOURNMENT

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 95(3), during the period of Friday, October 8 to Monday, October 18, 2004 inclusive, the committees of the Senate be authorized to meet even though the Senate may then be adjourned for a period exceeding a week.

CITIZENSHIP ACT

BILL TO AMEND—FIRST READING

Hon. Noël A. Kinsella (Leader of the Opposition), presented Bill S-2, to Amend the Citizenship Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Kinsella, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—FIRST READING

Hon. Jean-Robert Gauthier presented Bill S-3, to amend the Official Languages Act (promotion of English and French).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Gauthier, with leave of the Senate and notwithstanding rule 57(1)(f) of the *Rules of the Senate*, bill placed on the Orders of the Day for second reading later this day.

• (1450)

[English]

MARRIAGE (PROHIBITED DEGREES) ACT
INTERPRETATION ACT

BILL TO AMEND—FIRST READING

Hon. Anne C. Cools presented Bill S-4, to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Cools, bill placed on the Orders of the Day for second reading two days hence.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON STATE
OF HEALTH CARE SYSTEM

Hon. Michael Kirby: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on issues arising from, and developments since, the

tabling of its final report on the state of the health care system in Canada in October 2002. In particular, the Committee shall be authorized to examine issues concerning mental health and mental illness;

That the papers and evidence received and taken by the Committee on the study of mental health and mental illness in Canada in the Thirty-seventh Parliament be referred to the Committee, and

That the Committee submit its final report no later than December 16, 2005 and that the Committee retain all the powers necessary to publicize the findings of the Committee until March 31, 2006.

FLAWS IN DELIVERY
OF GUARANTEED INCOME SUPPLEMENT

NOTICE OF INQUIRY

Hon. Percy Downe: Honourable senators, pursuant to rule 57(2), I give notice that two days hence:

I will call the attention of the Senate to the basic flaws in the delivery of the Guaranteed Income Supplement Program for low-income seniors.

QUESTION PERIOD

PRIVY COUNCIL OFFICE

COMMENTS BY CLERK

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, in rising to ask a question of the Leader of the Government in the Senate, allow me to extend the congratulations of the official opposition in the Senate to Senator Austin on his reappointment to the cabinet and the very capable representation of the ministry in this house.

My first question to the minister follows on the public statement of the current Clerk of the Privy Council, who seems to obfuscate the desire of so many in Parliament who seek to remove the democratic deficit. In particular, when the Clerk of the Privy Council attempts to claim that there is a difference between responsibility, accountability and answerability, we would like to know whether the government agrees with Mr. Himelfarb.

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator Kinsella for his congratulations and offer him congratulations on his election by his caucus as the official Leader of the Opposition.

Hon. Senators: Hear, hear!

Senator Austin: To settle any doubt, it is clear that this house recognizes Senator Kinsella as the person carrying out the responsibilities of the official Leader of the Opposition.

Honourable senators, in answer to the question, I will need to make inquiries. The distinctions that the Clerk of the Privy Council may have made are not statements with which I am familiar, but I will endeavour to assist my honourable friend at a later time.

Senator Kinsella: I thank the honourable minister for that undertaking. Our whole Westminster system of parliamentary democracy depends upon ministerial accountability. That is indeed why our honourable colleague represents the government as minister in this place. It is important that we understand whether the long history of ministerial accountability, responsibility and answerability, which in my view are equivocal terms, are synonymous. The distinction that the current Clerk of the Privy Council has attempted to make is a threat to our parliamentary system.

NATIONAL DEFENCE

SAFETY OF SUBMARINES PURCHASED FROM UNITED KINGDOM

Hon. W. David Angus: Honourable senators, yesterday, under very turbulent seas off Scotland, whilst en route to Canada, the submarine HMCS *Chicoutimi* caught fire, with resultant smoke inhalation injury to, I understand, nine submariners. The vessel, although she was able to surface, was left stranded and powerless in these terribly perilous waters. I can tell honourable senators, from some extensive experience as an admiralty lawyer, that fire at sea is a mariner's worst nightmare. Imagine a submariner facing a fire on board.

This is just the latest in a series of incidents that have plagued these ill-fated submarines, which I believe were acquired by the Liberal government from the U.K. at bargain basement prices, either on long-term lease or some other arrangement. In July of 2002, the HMCS *Corner Brook* accidentally flooded. In 2003, the HMCS *Victoria* had to cancel sea trials owing to electrical problems. In August 2003, the *Victoria's* ventilation system failed. Finally, in March of this year, the HMCS *Windsor's* hydraulics simply malfunctioned.

These calamities are extremely troublesome, I submit, not only to us but to all Canadians, and they have haunted these vessels from the outset. Surely, the lesson for the government is that you get what you pay for.

• (1500)

Will this government conduct an official inquiry now, including a thorough safety review of all of these submarines, in the wake of this latest incident, or will the government simply continue endangering the lives of good Canadian men and women who put to sea in these faulty vessels, rather than admit it was wrong to acquire them and put them into service in the Canadian navy in the first place?

Hon. Jack Austin (Leader of the Government): Honourable senators, far from acknowledging that there was any mistake or error with respect to the acquisition of these submarines, the government is very much committed to the submarine program and to the service that is required in surveying activities off the coasts of this country and in participating with our allies in submarine manoeuvres.

The government closely examined the policy of acquiring these submarines and also closely examined the role that they were designed to play. The decision is one that the government believes was correctly made.

With respect to the issues of commissioning and operating these submarines, a phrase used by my grandchildren occurs to me — stuff happens. No machine runs perfectly. I have made inquiries of the Chief of the Defence Staff, and he tells me that these are considered by the military, all of them, as within normal running-in parameters. No one wants anything to go wrong, and fortunately no one has lost their life.

Senator Angus will also remember a Sea King helicopter that dropped onto the deck of a vessel just shortly after it had left Canadian port for the Middle East. These are events that happen in all military service. It is the situation that in Canada those events have a high degree of public reporting. I do not criticize that fact, but as my grandchildren say, stuff happens.

Senator Angus: Honourable senators, the leader's grandchildren may say "stuff happens." My grandson says, "no, Dada," and I believe his answer is no to whether there will be an official inquiry and no to whether there will be an exhaustive safety review. I am terribly worried that the honourable senator has totally failed to address these concerns. This is more than "stuff happens."

A moment ago my colleagues were murmuring, "shades of the helicopter situation." Every single one of these submarines has had a tragic event, with almost calamitous circumstances. We could have lost of the whole complement, and we may still because that boat is out there bobbing in the high seas.

FIRE ON HMCS *CHICOUTIMI*

Hon. W. David Angus: We understand that the British navy and other elements of the U.K. maritime industry are en route to attempt to salvage this stranded vessel. In that regard, are any Canadian vessels out there assisting our British friends in salvaging and saving the lives of those men and women? Should we expect to be charged by the British for their efforts in these salvaging manoeuvres?

Hon. Jack Austin (Leader of the Government): Honourable senators, the accident with respect to the paneling that caused the fire took place very close to Ireland and no Canadian aircraft or vessels were in the vicinity. Therefore, the British navy and forces of the Republic of Ireland have been active in supervising. A medical team has landed on the submarine and they are dealing with injuries.

With respect to the larger question, I will simply undertake to let the senator refer his representations to the Minister of National Defence.

Senator Angus: Finally, if I may, honourable senators, does the leader have any information as to when and if the HMCS *Chicoutimi* will return to active service with the Canadian navy?

Senator Austin: I have no doubt that, as repairs are made and the submarine *Chicoutimi* is found to be in serviceable order, it will come to Canada and be commissioned and put into active service.

PURCHASE OF SUBMARINES FROM UNITED KINGDOM

Hon. Marcel Prud'homme: Honourable senators, it is coincidental, but on May 11, 1995, Senator St. Germain asked a question headed, "Reasons for Acquisition of Upholder Class Submarines — Government Position." The Honourable Joyce Fairbairn, in her usual competent capacity, answered him and then I asked a supplementary question headed, "Lobbyists Involved in Acquisition — Request for Particulars." Perhaps the leader would like to refer back to what I have reviewed.

It took a long time, but we got an answer. I asked for an answer on July 11, 1995, of the Honourable Senator Graham. That was a change. On November 28, 1995, we got an answer, but it was a non-answer.

I indicate all these dates so the minister will have a good background.

Then, on April 24, 2002, the new leader — and if Senator Cools will give me a chance — of the official opposition asked of the Honourable Leader of the Government, Senator Carstairs, a question headed, "Compensation for Dent in Submarine Purchased from the United Kingdom."

I followed up on that debate on May 9, 2002, because I still wanted to know if any lobby firm was interested, as I said at the time, in this very interesting contract. Senator Carstairs promised me an answer.

On June 5, 2002, and I thank Senator Carstairs, I received a very troubling answer stating that ex-generals, et cetera, had indeed been registered as supporting Vickers Shipbuilding for "UPHOLDER Submarine Service Support."

I believe that I have made the case for the minister to look into this matter because I do not believe it will die out. I have given all the dates to the best of my ability, not being an expert in this domain but being very interested in military matters because of my past life in the House of Commons, when I was Chairman of the National Defence Committee.

This may not be a direct question, but my hope is that the leader will kindly look into these documents of the past so that we may eventually have a clear answer as to was there or not, and if yes, who, and how did they manage to convince the Government of Canada to buy what I referred to as "four beautiful lemons" from Great Britain.

Hon. Jack Austin (Leader of the Government): Honourable senators, I appreciate the research that Senator Prud'homme has done and it will be reviewed. I point out that there is an opportunity during the debate on the reply to the Speech from the Throne to discuss these matters in more detail and make issues clearer.

• (1510)

At a future time, I cannot say precisely when, but I believe certainly in this session and probably early in the new year, a defence policy paper will be tabled by the government that will involve a review of our defence position. That paper will follow the policy on foreign affairs, which will be tabled, I hope, this fall. We can then have a more detailed debate and examination of all of these questions of defence policy and Canada's role as an ally in NATO and with the United States in the defence of the free world.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO CATTLE INDUSTRY

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate. I too congratulate him. As a great British Columbian, I know he will represent our region as he always has; with dignity, commitment and positive results.

To date, it is estimated that more than \$6 billion and 42,000 jobs have been lost since a single cow was diagnosed with BSE in Alberta. The government announced an aid package on September 10, but that package has received mixed reviews, to say the least. Many farmers are worried that their already heavy debt load will only increase.

What response does the government now offer to producers with increasing debt loads as a result of the border closure and the unsatisfactory response that the government received to its aid package?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not agree with the premise in the question asked by Senator St. Germain.

The government received a positive response to its aid package. As Senator St. Germain mentioned, on September 10 the government announced a strategy for protecting the producing industry and committed \$488 million in new federal funding to reposition the industry to ensure its future stability and profitability. This was the agreed strategy with the provinces and with the industry.

With the provinces and the industry we are proposing to encourage increased slaughter capacity in Canada so that we become less dependent on the U.S. market with respect to live animals. We intend to provide continuing transitional support to the cattle industry until the issue of access to the U.S. markets is resolved.

As well, of course, we are working diligently in every way possible to regain our traditional markets in the United States and to diversify our cattle export efforts to reach other markets in the world.

Senator St. Germain: Honourable senators, I did not expect the minister to agree, not in the least. I spent a part of the summer travelling and speaking to ranchers in British Columbia. I can tell the minister that the package of the government is viewed as having helped the large processing industry much more than the producers. If he goes out to talk to them, the producers will tell the minister that they are suffering as a result of being unable to dispose of animals over 30 months old.

One group that has found the aid package wanting is the Canadian Federation of Agriculture. A news release from the CFA dated the day the aid package was announced indicated that the CFA would prefer to see the federal government implement tax incentives such as tax deferrals to assist producer income in the short term, as well as loan guarantees and tax breaks for producers required to depopulate.

The government stressed that its aid package involved consultation with industry groups. If this is so, could the Leader of the Government in the Senate explain why the ideas expressed above were not included in the federal package? I do not believe that the CFA would misstate the situation. Traditionally, the CFA has been recognized as an organization of integrity.

Senator Austin: I thank Senator St. Germain for his supplementary question. I will examine the statement of the Canadian Federation of Agriculture to which he refers. In order to deal with this quickly, perhaps the honourable senator could provide me with a copy of the statement. However, I will ask the Minister of Agriculture for further advice regarding the details of consultation.

INTERNATIONAL TRADE

UNITED STATES— BOVINE SPONGIFORM ENCEPHALOPATHY— OPENING OF BORDER TO BEEF EXPORTS

Hon. Gerry St. Germain: I will attempt to provide the honourable senator with the exact statement made by the CFA.

The minister has told us that the government is trying to re-establish the traditional links to the U.S. market. From everything that I have read, studied and talked to representatives of the industry about, we have done everything that we pretty well have to do, within reason, to have the U.S. border reopened to us. I believe that the border has not been reopened because of some political reason.

Why did the Prime Minister not take the MP from Ontario properly to task when she first called the Americans "bastards"? She used that term. In her last attack against the Americans, she went so far as to refer to them as "idiots." Where is the leadership

of the Prime Minister in that he did not ask — at the very least — for a suspension from caucus on this very issue? I believe that our leader would have taken that action. He has done so with certain members who have acted outrageously, and I believe this is outrageous behaviour.

I believe that the Americans are reacting negatively to us in reopening that border to a vast degree due to the behaviour of certain individuals in this country who have responsible lead positions.

Hon. Jack Austin (Leader of the Government): Honourable senators, the United States runs a sophisticated foreign policy and the Canada bilateral relationship is a sophisticated relationship, one which is managed at highly sophisticated levels on all sides and not influenced by the statement of one member of Parliament, particularly a member of Parliament who is not a member of the government.

The United States is quite familiar with our political system and with the difference between a responsible government minister and a member of Parliament. In response to Senator St. Germain, I would say that this is a non-issue.

The reasons the embargo remains in place are related to U.S. domestic policy and law. Canada is hopeful that the technical requirements of U.S. law will be solved shortly. Science is key to settling this issue. An agreement amongst agricultural scientists regarding the future risk of BSE with respect to issues like feed, the use of blood, organs and so on is being discussed. I believe that action will be taken, but the process does take time.

Senator St. Germain: I understand the minister's comments about science and I agree with those to a certain extent. However, I believe that the political will is being thwarted. I will give honourable senators an example.

Before the war in Iraq, I made a statement in the Senate supporting George W. Bush in his fight against terrorism, in his fight to protect freedom in the world. If the honourable senator thinks that the Americans are not listening, I would urge him to come to my office to see a personal note from the President of the United States thanking me for my support.

If a little chicken farmer from British Columbia can get a response from the President of the United States on a statement in this place, believe me, a member of Parliament from the Greater Toronto area will be heard.

• (1520)

Senator Austin: Honourable senators, I would guess that Senator St. Germain and I do not differ greatly on this last point. Certainly, every government watches what takes place in the governance of governments that affect their day-to-day lives. As the United States is our largest customer, we pay a great deal of attention to the Americans, as they do to us. I admire the political and communications machinery of the Bush administration, and I am delighted that they recognize that Senator St. Germain concurred in their views on this particular subject.

[Senator Austin]

However, my previous answer stands. This government will do everything a Canadian government proud of Canadian sovereignty can possibly do to improve continuously our relationships with the United States at every level. I know that the honourable senator supports President Bush in his proposal to enhance the American missile defence program, and this government is considering American representations and having discussions with respect to the way in which it might be able to support that program. There are a variety of things going on.

I can assure honourable senators that a statement by a member of Parliament that might reflect negatively on a political policy or person in the United States is not a grain of sand in the total management of the Canada-U.S. relationship.

HEALTH

RECALL OF CLINICAL DRUG VIOXX

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government in the Senate about the arthritis drug Vioxx.

In the largest-ever voluntary drug recall last week, the prescription drug Vioxx was removed from the shelves by its manufacturer. It is an anti-inflammatory painkiller mostly used to treat arthritis and is the tenth-most-prescribed drug in Canada. It was recalled because clinical trial data showed a heightened risk for patients of stroke and heart attack. The U.S. Food and Drug Administration has said that it will now require longer studies and more safety data before approving other drugs in the same class as Vioxx, known as Cox-2 inhibitors.

A Health Canada press release says that it has actively monitored Cox-2 inhibitors for gastrointestinal and cardiovascular complications since 2002 when clinical data caused it to issue an advisory and change product labelling warning those with heart conditions to use Vioxx with caution.

Could the Leader of the Government in the Senate tell us if Health Canada has had any reason to doubt the safety of this drug since 2002? Also, will Health Canada intensify its review of all Cox-2 inhibitors as a result of the Vioxx recall?

Hon. Jack Austin (Leader of the Government): I thank the honourable senator for his question. I will make inquiries and endeavour to provide specific answers soon.

Senator Keon: I understand that this is a technical matter and will require the resources of staff. That being so, I would ask the Leader of the Government to consider a supplementary question at the same time.

The day before the results of the Vioxx trials were made public, Health Minister Dosanjh said that Health Canada is currently assessing both the commercial competition issues and the privacy issues surrounding the disclosure of clinical drug trials. When making his inquiries, could the leader find out when Health Canada expects to complete its review of the transparency of clinical drug trials by the department?

Senator Austin: Honourable senators, I shall do my best.

The Hon. the Speaker: Honourable senators, I regret to advise that the time for Question Period has expired. Three senators remain on my list.

I draw the attention of honourable senators to rule 24(4), which indicates that in dealing with questions and answers a debate is out of order on an oral question but brief explanatory remarks may be made by the senator who asks the question and by the senator who answers it.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE ADJOURNED

The Senate proceeded to consideration of Her Excellency the Governor General's Speech from the Throne at the opening of the First Session of the Thirty-eighth Parliament.

Hon. Jim Munson, seconded by the Honourable Senator Chaput, moved:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Adrienne Clarkson, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Governor General and Commander-in-Chief of Canada:

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

He said: Honourable senators, it is a great honour for me to deliver this speech today. Before I get to the official portion of my speech, I, too, would like to say a few words about my old buddy Jack Marshall. When I was undergoing a career change from CTV to the Prime Minister's Office just three years ago, Jack picked up the phone and called me. I think we had an Atlantic Canadian bond. He was so sweet on the phone.

Our relationship goes back to the late 1960s and early 1970s, when I first came to the Hill. I cannot believe that I came here in 1974. Jack impressed me with his humanity and his kindness. In those days, when I was a reporter, I found him to be a warm and accessible man, and he will be greatly missed.

Hon. Senators: Hear, hear!

Senator Munson: I should also like to praise the efforts of the party leaders of this chamber, the Honourable Jack Austin, of course, and the new Conservative leader, fellow New Brunswicker Noël Kinsella. I would congratulate both Senator Terry Stratton and Senator Marjory LeBreton in their roles, which roles Senator Bill Rompkey and Senator Rose-Marie Losier-Cool fulfilled so well.

I would extend my best wishes to Senator John Lynch-Staunton who has served his party well in this chamber. I would, of course, thank the Speaker for his wise leadership.

It is a great honour for me to speak today. I am still Canada's newest senator. It has been less than a year since I joined you here in this chamber. The past months have been a time for learning, and I would thank you for your graciousness and warmth in imparting your knowledge and your experience from your years of dedicated service. That has been very important to me.

By the way, now that there is an NHL lockout and there are no "Ottawa Senators," I would remind the people of Ottawa that there are still senators in town. As well, we are working and there is no charge to see us.

• (1530)

One of the most important lessons I have learned here over the past year is that much of our work, important work, is done outside the Senate. In the past year I have become involved, for example, with the Special Olympics, in the course of which I have met many children and adults with intellectual disabilities. I have been raising money and speaking on their behalf. It is personal. My work with them is important to me and I enjoy being with them. I am also working with SOS Children's Villages, a worldwide group that provides family-based care for orphaned children who have been abandoned and are unable to remain with their families. I am also working with CAYFO, Child and Youth Friendly Ottawa. These are important organizations.

[Translation]

I also had the opportunity to attend the 2004 World Acadian Congress. It was a great experience that reinforced my opinion that a nation is much more than a geographical state. A nation is a state of mind.

[English]

All this work has been most gratifying and the travel has put me in contact with many people across the country. It has now been several months since we asked the people of Canada to choose their government. They chose a Liberal government, which, of course, gives me great satisfaction.

Senator Stratton: Two thirds did not!

Senator Munson: They sent a Liberal government back to Ottawa but they also sent us a stern message. There is no doubt that the election results left Liberals humbled. I believe the

Deputy Prime Minister said it very well when she said, "Canadians generally like what we are doing, they just want us to do it better."

Liberal governments are good at fixing things and at making government work better. I believe we are up for the job. Liberals have accomplished a lot during minority governments. Liberal minority governments under Lester B. Pearson and Pierre Elliott Trudeau passed important legislation, including universal health care, government loans for university students and the indexing of old age pensions to the cost of living. These minority governments made their mark on Canada and they made Canadian society what it is today — a society that is progressive and forward thinking; a society that cares about and invests in people.

We can look to the examples set by Pearson and Trudeau to find guidance. I am convinced that the challenge of a minority government is to work closely with the opposition and to get on with the job of governing. It is a challenge far beyond that of counting heads in votes. I believe that the challenge is to think big, to be bold, to put the interest of Canadians and good policy-making before partisanship, and to make Canada's mark on the world. By showing leadership and forging ahead with bold policies that puts the interests of Canadians before the interest of party politics, this minority government will accomplish much.

Good ideas are beacons. Put them out there and we will follow, not as Liberals or as Conservatives or as New Democrats or as bloquistes, but as Canadians who believe in the importance of nation building. The Speech from the Throne outlines the direction we will be taking to achieve our goals of a better Canada for more Canadians. It outlines what we will do for health care, for children, for cities, for communities, for the environment, for Aboriginal people, and for our foreign policy.

I would applaud the Prime Minister and the first ministers for their health-care deal. The goal was to ensure that our most precious social program be made sustainable for years to come. Universal accessible health care is what Canadians want. Open and flexible federalism is what Canadians want. Discussions about federalism and a debate of the word "asymmetrical" or others is of little interest to people on a waiting list for an MRI, a hip replacement or cataract surgery.

The challenge is to ensure that the health deal delivers results. I believe it is the role of the federal government to ensure that health care dollars are spent for national health care priorities. Accountability is key to making this health accord work. I strongly believe in national standards. Our existing health care system is a hungry beast with an insatiable appetite for money, but money is not all it needs. It needs to be retooled to meet the needs of an aging population. Our national health care system is now middle aged and it is clear it needs to be modernized to meet the demands of modern times.

We have experts in this chamber who can make our health care system work better. Senators Kirby and Keon have put forward proposals to make our health care system work better by improving the funding formula for hospitals by basing it on services delivered. They propose that we review which health care

professional delivers which service in which health care setting. Their road map for improving medicare will help us get a bigger bang for our health care buck, and I think we should pay attention to them.

I should also like to see us look at health care within the broader social context, to understand it as a barometer of what is working well in our society and what needs more attention. The Prime Minister has said that our government will work to reduce waiting times for cancer treatment, coronary care, joint replacement, high-tech diagnostics and eye surgery. No one will dispute that Canadians deserve quicker service in their health care system. I should like to add another item to this list, an item that is a health issue but which has slipped through the mesh of our social safety net. The issue is autism.

This summer and this fall, one father in Ottawa, a public servant who I ran into many times, would forgo his usual lunch hour routine of sandwiches and instead walk on the Hill with a sign saying, "Kids with autism need health care, not waiting lists." The fact is, autism is a growing problem in this country. It affects one out of every 200 babies born each year. The numbers are growing, and what we have to offer families is a patchwork of treatments, long waiting lists and coverage that depends on where you live.

Treatment for autism is similar to treatment for people who have suffered brain injuries. For children with autism, the treatment is intensive and it must be administered before they are six years old. It has proven to be effective, but it is very expensive. In fact, the treatment is so expensive that it is beyond the reach of most parents.

Is this the face of Canada's universal health care system? Honourable senators, I am afraid it is. Yet, the cost of not treating autism is much higher. Children who do not receive treatment often grow up to become wholly dependent on the state for support. This support is estimated to be \$2 million over the lifetime of the individual. You see, apart from being immoral, denying coverage is a false economy. The issue is universality, and the people affected are our most vulnerable citizens. They are being denied treatment that is proven to work.

We need a national vision. There must be a national will and with that a national autism program.

Regarding child care, we know that investments in the early years of all children yield good returns. Child care, like health care and post-secondary education, are priorities for this government. Even if you do not have children, even if you are healthy, even if you are not college or university bound, every Canadian benefits from a society where children arrive at Grade 1 healthy, happy and ready to learn. Every Canadian benefits from a first-class health care system, and every Canadian benefits from a society where higher education is within the grasp of those who want it. We all benefit from a society of healthy, well-educated, productive, contributing people.

For too long in this country we have used the issue of provincial and federal jurisdiction as an excuse for inaction. Honourable senators, I believe the time for excuses is over. It is time to be bold, to put in place a plan for child care and to make it happen. As far as Canadians are concerned, they do not care how things get done, they just want to see it get done. And rightly so.

Looking at the broader picture together, and identifying the appropriate intervention of government as a whole, is a challenge that we face. Health care and child care are quality of life issues that demand our full attention.

This government has also identified the contribution of cities and communities. I commend the Prime Minister for recognizing the essential contribution that cities and communities make to Canada's economy, as well as to our culture and our quality of life.

Providing a mechanism through the gas tax to help municipalities fund sustainable development initiatives is a creative approach that allows the federal government to make a difference in the day-to-day lives of Canadians. It is an example of policy-making that knocks down those artificial barriers between government departments, spans jurisdictions and brings those responsible to the table to solve problems together. The same type of problem solving will help Canada meet its commitments under the Kyoto Protocol. It will help us to improve the quality of life and health of Aboriginal people.

The prescription we need for strong social policy to support the development of healthy Aboriginal communities, where people have opportunities to enjoy active and healthy lifestyles, is about health care. However, it is also about preventing poverty and ensuring access to education and employment close to home. It is about bold policy-making that stretches across jurisdiction and departmental bounds. When it comes to the Aboriginal people, I think we agree, honourable senators, that a lot more work needs to be done.

• (1540)

My life and career have taken me around the world, and there is nothing like leaving Canada's borders and witnessing the tragedy in other nations to understand the value of peace, tolerance and good government.

I believe strongly that Canada has a responsibility to act on the world stage and make our mark. Canada has credibility, experience and wisdom when it comes to issues of governance, nation building and democracy. We must be bold and respond to what we have seen in Sudan. Let us remember the painful lessons of Rwanda, and stop history from repeating itself. I would commend the Hon. Mobina Jaffer for her efforts to bring Darfur into the hearts and minds of Canadians. I commend the Prime Minister's speech at the United Nations and fully support his commitment to do more in Darfur and to do more to strengthen the United Nations. We, and the world, will be watching what Canada chooses to do. While other nations wage a war against terrorism, let us wage a war against intolerance, injustice and inhumanity, but not just with words. Let us take action to help people who are so desperately in need.

Some have said that we must move a step beyond peacekeeping and that we need to strengthen and invest in our military. I support this. Our country is great today because we learned from the past. Canada has the credibility and the experience to make the world a better place. Let us step up and make our mark. We have work to do.

In closing, I have a friend, a journalist — believe it or not — who writes frequently about the Senate. Recently, he called this chamber “the unpopular Senate.” Now I am not sure what he was talking about. Is this the same Senate that has colleagues such as Michael Kirby and Dr. Keon who are champions of Canada’s health care system and recently put forward new ideas about how to make it more sustainable? Is this the Senate that has colleagues such as Landon Pearson and Joyce Fairbairn who have tirelessly worked to make children and literacy top policy items? Is this the Senate that has Senator Sharon Carstairs with her compassion and pioneering work in palliative care; Senator Maria Chaput who has worked to promote minority language rights; Senator Jean Lapointe who has worked in the areas of addictions and rehabilitation; Senator Terry Mercer who has worked on behalf of several charities; Senator Norm Atkins who has tried to bring diabetes and the issues of disability to the front; Senator Aurélien Gill who is an ardent defender of the rights of Aboriginal people in this country; Senator Raynell Andreychuk who has worked to stop human trafficking; and Senator David Angus who has done tremendous work at the Montreal General Hospital? Who can forget the work of my friend Senator Jean-Robert Gauthier, the beacon of bilingualism in Ottawa?

Time does not permit me to name every senator. Everyone in this chamber has and is working for the common good. When I look at this chamber and see the talented people we have here, people who have contributed greatly to this country and continue to do so in the Senate, I feel a sense of purpose and urgency. The Speech from the Throne has laid out a bold agenda that addresses the priorities of Canadians. Let us put aside our party affiliations and unite with a common purpose.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Does any senator wish to speak or adjourn the debate? Normally we would alternate, but I see Senator Chaput.

[Translation]

Hon. Maria Chaput: Honourable senators, today we begin a new session. I would like to take this opportunity to congratulate the team that will be coordinating the government’s efforts in the Senate: the Honourable Jack Austin, Leader of the Government, the Honourable William Rompkey, Deputy Leader of the Government, and the Honourable Rose-Marie Losier-Cool, Government Whip in the Senate. You will have my full cooperation.

I have the honour of seconding the motion put forward by Senator Munson. This motion invites us to adopt the Speech from the Throne read yesterday by Her Excellency the Right Honourable Adrienne Clarkson, Governor General of Canada, a speech in which the government is keeping its promises.

[Senator Munson]

[English]

In the 15 minutes I have at my disposal, I want to address something that is a guiding principle for me and highlight some of the areas which address this guiding principle and in which the federal government wants to take action.

[Translation]

Looking into the future, we must consider first and foremost the foundations of the Canadian experience. Our Canadian identity is based on a set of values that have given us a deserved and enviable reputation on the international stage. I want to mention, in particular, our rights and freedoms, tolerance, social justice, respect for cultural diversity and linguistic duality.

These values lie at the very origin of our nation. Our federation was created in response to these realities and we must respect and protect these values, our values. The Speech from the Throne mentions the values of multiculturalism, gender equality and linguistic duality. And, in the words of the Honourable Gérard-A. Beaudoin, “...Canadian federalism is definitely one of the best balanced that I have seen in my life.”

[English]

I am a proud member of a linguistic minority, the francophones of Western Canada, and my pride as a francophone makes me a very proud Canadian. One can continue to develop one’s own potential in French in a country that has made linguistic duality a fundamental element in its development.

[Translation]

I traditionally represent Franco-Manitobans in the Senate. In July and August this year I visited several francophone communities in Manitoba. I also had the opportunity to talk to francophones in Western and Eastern Canada, both young and old, as well as francophones who work in communications and culture.

During my years of community work I used to counsel these communities on their plan for the future. Together we developed an inclusive approach rather than an exclusive one. The idea was to stop working in a vacuum, and invite partners to join us.

You will understand then, honourable senators, my particular interest in official languages and my guiding principle — to be a watchdog for this fragile and precious official language minority that has stolen my heart and become a part of me forever.

As you know, official languages were a major campaign issue during the last election. At one point I was thinking of the future of my granddaughters and I asked myself, “Are we going to have to start all over again?” Fortunately, Canadians value Canadian unity more than ever and they made their views known.

The Speech from the Throne set out our government's priorities. I was very pleased to see that it reflected our government's strong commitment to promoting the vitality of official language minority communities. I will talk about a few of these priorities briefly, especially in terms of their direct impact on official languages in our country.

[English]

Our government has invested in a five-year action plan to renew its support of official languages. The plan focuses on minority languages and second language education with the intent of doubling within 10 years the number of high school graduates with a working knowledge of both official languages. The action plan also supports the development of minority English- and French-speaking communities, extends access to services in their language, and enhances the use of Canada's two official languages in the Public Service while providing services to Canadians.

• (1550)

[Translation]

In the area of health, the federal government's action plan on official languages includes support measures to improve access to health services for francophone communities in a minority context. These measures have already generated over 70 projects to improve access to health services in French all across the country.

Hubert Gauthier, the president of the Société santé en français, which was created in 2002 thanks to the federal government, stresses the need for an ongoing and long-term commitment on the part of the federal Department of Health to continue improving accessibility to health services in French.

Incidentally, the Standing Senate Committee on Social Affairs, Science and Technology presented a report on the document entitled: *Santé en français — Pour un meilleur accès à des services de santé en français*, and it submitted nine excellent recommendations.

This comprehensive report supports the representations made by the Société santé en français. I wish to congratulate the chair of this Senate committee, the Honourable Michael J.L. Kirby, the deputy chair, the Honourable Marjory LeBreton and the whole committee. In my opinion, the work that was accomplished is evidence of the usefulness of the Senate of Canada. Congratulations!

Let us now look at the issue of the well-being of young children in Canada. In October 2003, the Commission nationale des parents francophones issued a press release entitled *Où sont passés les enfants francophones?*

A study done for the commission by Rodrigue Landry showed a disturbing reduction in the number of children — eligible under the Canadian Charter of Rights and Freedoms — who make up the potential clientele for French schools in a minority context.

The chair of the commission explained that the decrease in the birth rate was undoubtedly a factor, but that we had to look at what the study called the "hidden potential of exogamy."

Exogamy is the reality of francophone parents in a minority context — about 63 per cent of our children under 18 years of age come from these families in which one of the two parents does not speak French.

The president of the commission explained that there is a general lack of preparation and awareness of non-francophone parents regarding the services provided to facilitate their inclusion into the francophonie: "Not only are we not equipped to identify and inform them, we also have very little to offer to them at the preschool level."

The commission mobilized to establish a network of early childhood and family centres related to each francophone primary school in a minority context. These francophone centres would be mandated to coordinate child care, distribute learning resources and work with the families.

The commission said it was encouraged to see that early childhood was a priority in several federal initiatives, such as the federal Action Plan for Official Languages and the National Children's Agenda. I was asked to acknowledge — and I do so with great pleasure — the hard work of the Honourable Senator Pearson, the sponsor of the National Children's Agenda. Congratulations, honourable colleague, and thank you, on behalf of the children of Canada.

Action at the preschool level is crucial. We are told that each dollar invested in early childhood services will generate savings of up to \$7 in health, social services, legal and education costs. This is true in every society. But the stakes are much higher for communities in minority contexts. It is urgent that the Government of Canada move on the establishment of a national child care plan, as promised. That would be a tangible result!

I will only touch on the subject of seniors as clients, since I feel that the report of the Prime Minister's Task Force on Active Living and Dignity for Seniors sums up our reality very well and contains excellent recommendations.

Home care should be the focus, because it has a direct impact on active living and dignity for seniors. Our government has announced the creation of the New Horizons program and will look into other ways to recognize the talents of seniors and the contribution they can make to society.

Finally, still in the context of official languages, I must address the issue of immigration. This is a pressing issue on our government's agenda, given the growing contribution that immigrants will make to our aging society.

The purpose of Bill C-11 is to promote the integration of permanent residents in Canada, taking into account the fact that this integration entails obligations on the part of newcomers and Canadian society.

The new Immigration and Refugee Protection Act now gives greater weight to the knowledge of one of the official languages in selecting the best candidates.

Honourable senators, that is just a beginning. Immigrants tell us:

The language barrier is double and just one more thing on top of all the other problems such as educational equivalency and getting into the work force.

These immigrants are not recognized as francophone, since French is not their mother tongue. The lack of services in French impacts very negatively on their integration. Language courses are not adapted to their requirements. What is more, an immigrant wishing to learn French does not have the same support as when he or she wishes to learn English.

As the 2002 report by the Commissioner of Official Languages to the Department of Public Works and Government Services concludes so aptly:

There must be support from the federal government at all levels of the process, from planning to settlement and integration activities.

Honourable colleagues, Canada has a reputation as a welcoming country.

[English]

In a keynote address to La Conférence de Montréal, World Bank President James D. Wolfensohn suggested Canada as a cultural and multicultural model in terms of living together. We can be proud of our country.

Mr. Wolfensohn also said:

Canada is a country that has, over the years, dealt with two cultures and more recently, with a greater recognition for the rights of indigenous people. It's a country that has respected rights, respected the importance of equity in social justice and is a light to much of the world in terms of mutual respect and values.

[Translation]

Honourable senators, as part of the legislative process, and as leaders of our community, we have an obligation to do our share.

The Speech from the Throne we heard yesterday is absolutely dead on. As Canadians, and as senators, I believe we have a duty to support the motion to adopt. All of us share one goal: the good of Canada!

[English]

Honourable senators, our government will work to serve all Canadians and make this session of Parliament as effective and productive as possible.

[Senator Chaput]

[Translation]

With our support, Canada will continue to make its voice heard proudly, to promote its values and to defend its interests, which are also our interests!

On motion of Senator Kinsella, debate adjourned.

COMMITTEE OF SELECTION

FIRST REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Committee of Selection (Speaker *pro tempore*), presented in the Senate on October 6, 2004.

The Hon. Rose-Marie Losier-Cool moved adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[English]

COMMITTEE OF SELECTION

SECOND REPORT OF COMMITTEE ADOPTED

Hon. Rose-Marie Losier-Cool: Honourable senators, I move the adoption of the second report of the Committee of Selection, a report containing the list of senators nominated to serve on the following committees.

Senator Stratton: Question!

The Hon. the Speaker: It is moved by the Honourable Senator Losier-Cool, seconded by the Honourable Senator Pearson, that this report be adopted now. Senator Robichaud, did you wish to speak?

• (1600)

[Translation]

Hon. Fernand Robichaud: Honourable senators, can the chair of the Committee of Selection tell us if there was any reference to the practice established by the last Senate Standing Committee on Internal Economy, Budgets and Administration that members of that committee not be elected chair of any other committee?

I would like to know if there were discussions on this matter and, if so, have we arrived at a decision?

Senator Losier-Cool: Honourable senators, I would like to thank Senator Robichaud for his question. In fact, all members of the Committee of Selection mentioned that it was not customary for a committee chair to sit on the Internal Economy Committee. There has been no change, but we could certainly refer this question to the Standing Committee on Rules, Procedures and the Rights of Parliament to find out how far we should go in applying this rule.

[English]

Hon. Terry Stratton (Deputy Leader of the Opposition): As a member of that committee, it was clearly put by me to Senator Rompkey, because Senator Bacon had raised the concern that no committee chair would sit on Internal Economy because of the conflict of interest that would then arise. We were assured by Senator Rompkey that that was indeed the case. That is my understanding.

Senator Losier-Cool: I agree completely with Senator Stratton. That was discussed at the committee.

Hon. Marcel Prud'homme: If I may make a suggestion, it is no secret that, for many years, I applied to be a member of one committee, and only one, in order to have a better say. I finally got my wish and I am very thankful to those who put my name forward as a member of that committee. However, being one of the most frequent attendees of the Standing Committee on Internal Economy, Budgets and Administration, I would offer my services, if they see fit, for the following reason: You will notice that there are 15 members on this committee, three of whom are women. I believe that we want to have a harmonious session. There are three Progressive Conservative senators — Senators Doody, Atkins and Murray. The independent senators are Senators Spivak, Rivest, Plamondon, Pitfield and myself. Eight members have no connection whatsoever. It will be for us to agree among ourselves who will offer to attend a second committee meeting. If we are to apply what has just been said, I believe that we may have some vacancies on that committee, because I am of the opinion that of those 15, one, two or three members may become committee chairmen.

If that were to happen, it may be appropriate to consider, my suggestion, although I am not pushing it. After 11 years, I have been granted what I was hoping for. I promise never to miss a meeting of that committee, if my health allows it.

Although I am not a member, I attend most of the meetings of the Standing Committee on Internal Economy, Budgets and Administration. You may see fit to have one of the eight of us on that committee. Eight out of 95 is an interesting concept. However, there is not one independent senator in the 15.

I am only suggesting that, when you revise the chairmanship, one of the chairpersons may see fit to apply what Senator Bacon has put forward and as you have discussed and agreed, which is that you may consider one of the eight of us to represent us because we have a different point of view to put forward to the Standing Committee on Internal Economy, Budgets and Administration.

The Hon. the Speaker: We are on Senator Losier-Cool's time. Questions are being put to her. Next on my list is Senator Gauthier.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, I am a little embarrassed. I do not know where to begin. I have been a member of the Senate Standing Committee on Official Languages

for many years. It is true that I will be retiring on October 22, but until that day I am still a member of the Senate. I would have appreciated seeing my name remain on the list of the committee's members, but it has been removed. Can someone explain that?

Senator Losier-Cool: Honourable senators, I think the answer to Senator Gauthier's question is that he will be leaving us on October 22, and we did not think that the committee would be organized yet because of the break next week. But, Senator Gauthier, if you really want to come back to the Official Languages Committee until the end of your term, I am sure that the Committee of Selection could reconsider your request. Incidentally, I take this opportunity to thank you for the work you have done on the Senate Standing Committee on Official Languages and for your initiatives on that committee.

Senator Gauthier: Honourable senators, I would not want to get ahead of things, but today, for the fourth time, I have presented a bill to amend the Official Languages Act. I have asked that second reading of this bill be scheduled for later today. I want you to know that I may not be very strong but I am not dead yet!

Hon. Serge Joyal: Honourable senators, I would like to be clear on where we stand in relation to the answer provided by the Honourable Senator Losier-Cool. Should a member of the Senate Standing Committee on Internal Economy, Budgets and Administration eventually become the chair of a committee or special committee, will this senator withdraw from the Internal Economy Committee and will it then be up to the Committee of Selection to recommend someone to take his or her place? Has an agreement been reached on this matter or are you simply confirming that it has been discussed? If discussions took place, we are not bound by them, but if a decision was made, I would like that to be put on the record in the *Journals of the Senate* to make it is very clear that, naturally, when a senator is elected as a member of a standing committee or a special committee, he or she leaves the Internal Economy Committee.

[English]

Hon. Bill Rompkey (Deputy Leader of the Government): My understanding of the discussion was that we did raise that matter and we did agree that there should be further discussion of it, either within our committee or another committee, or in the chamber. I do not believe we made a decision. We did, however, make the decision to approve the names that were put forward to be members of the various committees. I would suggest that we now deal with the names on the committee report. We went through a process, as we often do, of asking members what committees they wanted to serve on and we tried to accommodate the interests of senators as best we could.

It is impossible to come up with a system of allocation that will please everyone. Some difficulties will arise, and we did discuss that issue, and there should be further discussion of it. However, as I understand the decision of the Committee of Selection, it was to submit, today, the names that are on this list, and I suggest we now approve the names.

• (1610)

Senator Joyal: If I understand the answer well, the matter has been discussed, but it has not been the object of an agreement on both sides of the house that senators will become members according to this proposal of the Internal Economy Committee and would happen to be elected as chairs by the members of the various committees —

Senator Rompkey: Nobody is elected.

Senator Joyal: Would they not be expected to resign from the membership of the Internal Economy Committee in order to assume the chair of a special or standing committee? I want a clear answer. We deserve a clear answer so that we know the rules of the game while we are starting a new session of Parliament.

Senator Rompkey: I tried to be as clear as I could. There was a discussion. We agreed that there should be further discussions on this issue, but we did agree in the Committee of Selection to put these names forward. That was my understanding, with no strings attached at the moment as I understand it.

Senator Stratton: Honourable senators, I beg to differ. As I have been informed — the rule of anticipation — yes, we agreed to put the names forward. The understanding that some of us had in that meeting — and I see nodding on your side as well — is that clearly any member of the Internal Economy Committee who became a chair of a committee could not serve on Internal Economy because of the conflict of interest. For the record, that was the clear understanding of our side, and the nodding on your side also indicates that to be the case.

[Translation]

Hon. Shirley Maheu: Honourable senators, my question is directed to any of the three members of the committee. I note that the Standing Senate Committee on Agriculture and Forestry has no members from Quebec. Could this issue be addressed shortly? There are many farmers in Quebec and I think it would be important that at least one representative from Quebec sit on this committee.

Senator Losier-Cool: Honourable senators, this question was raised at the Committee of Selection. However, the selection of committee members is based on what senators request, and no senator from Quebec has asked to sit on the Standing Senate Committee on Agriculture and Forestry.

Hon. Aurélien Gill: Honourable senators, are we going to discuss the possibility for a senator to chair a committee while sitting on the Standing Committee on Internal Economy, Budgets and Administration? Is that going to be considered or has it already been decided? If it has been found to cause a conflict of interest, we have our answer. One cannot both chair a committee and sit on the Internal Economy Committee to approve its budget. It seems logical to me.

[English]

Hon. Sharon Carstairs: I happen to believe strongly that chairs of committees should not sit on the Internal Economy Committee. Having said that, that is not my understanding of what happened yesterday. The issue was raised, but no decision was made.

I think the appropriate place for this discussion is not in this chamber but in the Standing Committee on Rules, Procedures and the Rights of Parliament. It is that committee, if it believes there should be a firm rule, that would say that when a senator becomes the chair of a committee and at that time is also a member of the Standing Committee on Internal Economy, Budgets and Administration, then they would be requested to resign and the expectation would be that they would resign. I attended that meeting. I have strong views, but my understanding of that meeting is that we came to no conclusion.

[Translation]

Senator Robichaud: Honourable senators, my question was very well answered, and I am now satisfied.

[English]

The Hon. the Speaker: There being no further comments or questions —

Senator Prud'homme: I just want to —

The Hon. the Speaker: Sorry, Senator Prud'homme, I want to be clear. This is a motion to approve a committee report. The fifteen-minute time period has expired.

Are you requesting leave for additional time, Senator Losier-Cool?

Senator Losier-Cool: No. Question.

The Hon. the Speaker: Senator Losier-Cool's time has expired. I cannot take any additional questions or comments.

Are honourable senators ready for the question?

Hon. Senators: Agreed.

The Hon. the Speaker: It was moved by the Honourable Senator Losier-Cool, seconded by the Honourable Senator Rompkey, that this report be adopted now.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Hon. the Speaker: Honourable senators, the report contains the names of members of joint committees. Can I take it that it is also agreed that a message be sent to the House of Commons to acquaint that House of the names of the senators to serve on the Standing Joint Committee on the Library of Parliament and the Standing Joint Committee for the Scrutiny of Regulations? Is it agreed?

Hon. Senators: Agreed.

*[Translation]***OFFICIAL LANGUAGES ACT****BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED**

Hon. Jean-Robert Gauthier moved the second reading of Bill S-3, to amend the Official Languages Act (promotion of English and French).

He said: Honourable senators, this is the fourth time I have presented a bill that would give some teeth to the Official Languages Act. I have tabled three bills. The last one, Bill S-4, was passed by the Senate. It amends the Official Languages Act and specifies the scope of section 41 of the act, more specifically part VII, to make this section binding. It is straightforward.

Bill S-3 has three major objectives. First, it stresses the binding nature of the commitment set out in part VII of the act. Then, it imposes obligations on federal institutions regarding the implementation of this commitment. The bill also includes a remedial power that allows the courts to monitor the implementation of the act by governments.

The bill takes into consideration the majority of the recommendations made by the Commissioner of Official Languages. The latter recommended that part VII of the Official Languages Act be clarified and that an obligation be imposed on federal institutions as evidence of the binding nature of the commitment.

She contended that the bill should provide for regulations to ensure the implementation of an appropriate system and for a remedy before the courts under section 10 of the Official Languages Act. This is essentially what Bill S-3, which I am presenting today, seeks to do.

• (1620)

The bill was carefully studied by the Committee on Legal and Constitutional Affairs two years ago. It was studied by the Senate Committee on Official Languages last year and adopted. It was studied by the Senate several times and finally passed in March 2004.

After it was passed by the Senate, this bill — no longer mine but the Senate's — was referred to the House of Commons, where it received first reading. After second reading, it went for study on April 22, 2004. However, as we know, the bill died on the Order Paper when both Houses were dissolved and all bills and Private Members' Business were dropped.

Thus, I would like to appeal to your kindness once again to have this bill adopted at second reading and referred to committee.

It is possible for the Senate to pass this bill in the next two weeks. If that happens, I will be very pleased at the desire here to make the Official Languages Act binding so that federal departments and institutions aware of this act will know that it is not about lip service, but principles that must be respected.

Honourable senators, if the Senate sees fit, I would like the bill to be referred to the Standing Senate Committee on Official Languages as soon as possible for further consideration.

[English]

Hon. Terry Stratton (Deputy Leader of the Opposition): I would like to move adjournment of the debate for a short time. We do not want to delay the bill, but we would like to survey our senators and ask if they have any concerns.

On motion of Senator Stratton, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

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(HANSARD)

Thursday, October 7, 2004

—
THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, October 7, 2004

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

THE LATE LIEUTENANT CHRIS SAUNDERS

TRIBUTES

The Hon. the Speaker: Before we proceed with further business, I would ask honourable senators to rise and observe a minute of silence in memory of Lieutenant Chris Saunders, whose tragic death occurred October 6, 2004, while serving his country on the submarine HMCS *Chicoutimi*.

Honourable senators then stood in silent tribute.

Hon. Jack Austin (Leader of the Government): Honourable senators, yesterday we learned of the tragic death of Lieutenant Chris Saunders on the HMCS *Chicoutimi* in the North Atlantic on its maiden voyage to Canada. Lieutenant Saunders' death is a terrible loss for the Canadian navy and the Canadian Forces as a whole, and for that the nation mourns.

Anyone knowledgeable about submarines is aware of the great risks undertaken by those who must work and live in such a specialized environment. It requires an enormous amount of courage to accept the life of a submariner. They are acknowledged by all in the Canadian navy as a distinct class of servicemen for the unusual risks and responsibilities that they assume in the service of our country.

Canadians owe these servicemen a great debt for the peril they place themselves in on our behalf. When Canadians learned of the death of Lieutenant Chris Saunders, we were shocked and saddened by the tragic news. It is events such as this that remind us all of the dangers faced on a daily basis by the courageous men and women who serve in our Canadian Forces.

The Saunders family bears the unspeakable loss of a husband, son and father. In the face of such a great loss, it is impossible to convey properly our appreciation and sorrow for the sacrifice made.

The government and people of Canada are grateful for the assistance of the British Royal Air Force and the Royal Navy in helping to secure the safety of the men onboard the HMCS *Chicoutimi*. Our thoughts, prayers and hopes are with the Canadians receiving medical treatment.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I join with the Leader of the Government in expressing the sympathy of the Senate of Canada at the loss of Navy Lieutenant Chris Saunders, a combat systems engineer onboard HMCS *Chicoutimi*.

Lieutenant Saunders came from my province of New Brunswick. I join in a special way with the people of the Kingston peninsula, his home region, in mourning his passing.

Having had the experience of being onboard the HMCS *Corner Brook*, I can certainly appreciate the difficulties faced by all crew members. Those aboard the HMCS *Chicoutimi* demonstrated the highest levels of bravery, sound judgment and resolve during a harrowing time and I commend them for their work.

Honourable senators, submariners are special members of the Canadian navy. Their role is a difficult one, but one for which we are grateful. They are stewards who guard our waters and contribute greatly to the protection of our country and our allies.

Honourable senators, allow me to quote from *The Submariner's Prayer*:

We beseech Thee to keep in Thy sustaining care all who are in submarines, that they may be delivered from the hidden dangers of the deep.

Grant them courage, and a devotion to fulfill their duties, that they may better serve Thee and their native land.

Though acquainted with the depths of the ocean, deliver them from the depths of despair and the dark hours of the absence of friendliness and grant them a good ship's spirit.

Bless all their kindred and loved ones from whom they are separated.

When they surface their ships, may they praise Thee for Thou art there as well as in the deep.

Fill them with Thy Spirit that they may be sure in their reckonings, unwavering in duty, high in purpose, and upholding the honor of their nation.

May Lieutenant Saunders' inestimable contributions be recognized by all honourable senators and all Canadians.

I extend my sincere condolences to Lieutenant Saunders' wife, Gwen, his two young children and all family and friends. We are truly sorry for their loss.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in our gallery of a delegation from the People's Republic of China made up of members of the Committee of the National People's Congress, specifically the Chairman of the Education, Science, Culture and Public Health Committee, the Honourable Zhu Lilan, who is accompanied by the Honourable Wu Dexin and the Honourable Chen Zhangliang.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

• (1410)

SENATORS' STATEMENTS

THE LATE TIMOTHY JOSEPH (TIM) RYAN

Hon. Sharon Carstairs: Honourable senators, on Saturday morning I will join with Manitobans of all walks of life, but particularly with countless Liberals, as we pay tribute to Timothy Joseph (Tim) Ryan at his funeral to be held in St. Boniface Cathedral. I am deeply honoured to have been invited by his family to be an honorary pall bearer for this special man.

An Ottawa Valley Irish Liberal, Tim made his life in Winnipeg in 1965 and remained there until his death this week. He dedicated himself to his community at many levels. Tim spent 25 years as the President of the St. Boniface Mohawk Senior Hockey Club, chasing the Allan Cup. Between 1976 and 1986, he raised millions of dollars for the Manitoba sports community. He was the Executive Vice-President of the Pan-American Games held in Winnipeg in 1999. Tim was a founding director of the Manitoba Learning Centre, an organization for children with learning disabilities, and he raised funds for the Knowles Centre, which specializes in the treatment of disturbed children. He was a long-term advocate for those suffering from epilepsy, and he worked on behalf of street kids.

However, it was as a Liberal that I knew him best. He served as the President of the Liberal Party in Manitoba and as the Chief Financial Officer of the Liberal Party of Canada in Manitoba. He was a candidate, a party activist, a campaigner at all levels, not the least of which was his fierce support of our present Prime Minister, the Right Honourable Paul Martin.

Above all, he was a man of great courage. For the last eight years, Tim struggled with throat and esophageal cancer. Time after time, he would go from chemotherapy to radiation. I would hear the news that Tim was in poor shape, yet Tim would rally. When asked how he was doing, he would always reply, "I'm doing fine."

In my final conversation with Tim about two weeks ago, after he entered the palliative care unit at St. Boniface Hospital, he and I discussed his wife Dianna. "She has been a brick," he said, and indeed she has been.

To the brick and to the children, Shelagh and Brendan, I offer my greatest sympathies.

JUSTICE

RACIAL PROFILING

Hon. Donald H. Oliver: Honourable senators, before the resumption of Parliament, it had been 117 days since we had last gathered here in the Senate. I regret that I must call your

attention to another case of racial profiling in Canada. It involves Kevin Khan, a 29-year-old real estate broker, whose only crime was that he was a young Black man driving an expensive Mercedes Benz. This case produced a landmark decision in the Ontario Court of Justice and received headlines across the country this summer.

Police allege that Mr. Khan was "driving erratically" when they pulled him over to search his vehicle in October of 2001. However, in her decision released on September 15, 2004, Ontario Court Justice Anne Molloy ruled that Mr. Khan had not been driving erratically on the day he was stopped by police but that "the reason Kevin Khan was pulled over and searched was because he was a young Black man driving an expensive Mercedes." She also ruled that the search of Mr. Khan's Mercedes was illegal because it was motivated by racial profiling.

The defendant's attorney, Mr. John Struthers, stated the following outside the courthouse:

Never before, to my knowledge, has a judge ever said, "This man was stopped because he was Black and driving a nice car" and no other reason. This is the first driving-while-Black case in Canadian legal history.

In her 23-page ruling, Judge Molloy also referred to the 1999 case involving former Toronto Raptors star DeCovan Brown, which I spoke about in the Senate on February 4, 2003. In that case, Judge Brian Trafford agreed with Mr. Brown's attorneys that the police stopped him "because he was a Black man driving an expensive vehicle." Just like Kevin Khan, DeCovan Brown's only crime was "driving while Black."

In February of this year, I spoke in the Senate about another landmark ruling in the case involving Nova Scotia boxing legend Kirk Johnson. In 2003, the Nova Scotia Human Rights Commission ruled that, without doubt, "the practice of racial profiling was being carried out by members of the Halifax Police Department."

Honourable senators, I am, frankly, embarrassed to have to again call your attention to injustices toward Blacks in Canada, but now the time for studying racial profiling should be over. I need your help and support in urging the government to immediately introduce legislation affirming that racial profiling is illegal and morally offensive and must be stopped.

WOMEN'S HISTORY MONTH

Hon. Catherine S. Callbeck: Honourable senators, this October marks the thirteenth consecutive Women's History Month, which was established to recognize the women who have played a vital role in our Canadian heritage.

This year's theme is, "Yes, We Are Persons," a most appropriate theme as October 18 marks the seventy-fifth anniversary of the Persons Case. Seventy-five years ago, five Canadian women — Emily Murphy, Nellie McClung, Irene Parlby, Louise McKinney and Henrietta Muir Edwards, now known as the Famous Five — challenged conventional thinking and made legal history when they asked the Supreme Court of Canada to answer the question: "Does the word 'person' in section 24 of the BNA Act include female persons?"

The Supreme Court of Canada spent five weeks debating the question, only to decide that the word "person" did not include women. The five women, refusing to accept this decision, appealed the Persons Case to the Privy Council in England which, in those days, was Canada's highest court. On October 18, 1929 Lord Sankey, Lord Chancellor of the Privy Council, announced the decision "that the exclusion of women from all public offices is a relic of days more barbarous than ours. And to those who would ask why the word "person" should include females, the obvious answer is, why should it not?"

This was a landmark victory in the struggle of Canadian women for equality. The Famous Five achieved not only the right for women to serve in the Senate but their many contributions also paved the way for women to participate in other aspects of public life.

The efforts of the Famous Five represent a model of courage and perseverance. On October 18, we celebrate their achievements and the achievements of all women in the assertion of women's rights.

WORLD TEACHERS' DAY

Hon. Ethel Cochrane: Honourable senators, I rise today in recognition of World Teachers' Day which was celebrated on October 5. It is an occasion when we acknowledge the important role that teachers play in our own society and in communities around the world.

This year's theme is "Quality Teachers for Quality Education." One of the key messages in this theme is the need to recruit and retain quality teachers. As honourable senators know, the need is great, especially now as many senior teaching professionals near retirement.

In my own province of Newfoundland and Labrador, as in most other provinces, the average teacher dedicates more than 52 hours per week to school related activities. The data on the workload in schools indicates that tasks assigned to today's teachers are definitely increasing. A study of teachers in Prince Edward Island in 2001 found that, compared to five years earlier, full-time teachers perceived that they were spending significantly more time on school related activities. These activities include student discipline, administrative tasks, resource development, modifying curriculum and meeting with parents.

Perhaps it is not surprising that, according to a recent report by the Newfoundland and Labrador Teachers' Association, many school districts in the province are experiencing difficulty attracting and retaining qualified teachers. What is startling is their data. For instance, the attrition rate for new teachers, that is, those with less than five years' experience, is 33 per cent, and almost half of new teachers in the province say they are considering leaving their current positions due to factors that relate to heavy workload, stressful teaching environments and lack of opportunities for advancement and pay increases.

[Senator Callbeck]

Honourable senators, I am well acquainted with the virtues and challenges of teaching, and I must say that I am disheartened by these statistics.

• (1420)

Clearly, society needs to focus more attention on the great contributions teachers make in our communities. Few jobs are as critical to the success and the development of our country as teaching. Our teachers are the front-line workers who provide for the academic, the social and the emotional needs of our youth.

We must do what we can to ensure that teaching is a viable career option. We must take every opportunity to encourage young Canadians to invest their energies and abilities in this highly important career.

Honourable senators, as many of you know, teaching is often a thankless task, but I would like to take this opportunity to congratulate teachers across the country on their great achievements and contributions to their communities. I thank them sincerely for answering the call to this vocation and for the hard work and sacrifices they make every single day in the name of education.

Hon. Senators: Hear, hear!

MENTAL ILLNESS AWARENESS WEEK

Hon. Jane Cordy: Honourable senators, this is Mental Illness Awareness Week. The campaign slogan for this year is: "Face It. Mental Illness Concerns Us All." Indeed, mental illness and mental health does concern each and every one of us.

The Standing Senate Committee on Social Affairs, Science and Technology, chaired by Senator Michael Kirby with Senator Marjory LeBreton as deputy chair, has been studying the issue of mental health and mental illness and will be issuing a report within the next few months. For those of us on the committee who have listened to heart-wrenching testimony by clients of the mental health system and their families, this issue is extremely important, as it should be for all Canadians.

This week allows us to raise awareness of the issues concerning the treatment and care of those who are mentally ill in our communities. It is also an opportunity to help reduce and, hopefully, to eliminate the stigma of mental illness and to change attitudes regarding mental illness.

Honourable senators, yesterday, I had the pleasure of attending the second annual National Champions of Mental Health luncheon. Six Canadians who have made a difference in the area of mental illness were honoured by the Canadian Alliance of Mental Illness and Mental Health. The award winners were Dr. Stan Kutcher, Guy Latraverse, Bill Mussell, the Honourable Andy Scott, Anna Maria Tremonte and the Honourable Michael Wilson. They have each played a major role in the promotion of mental health, and I would like to congratulate and to thank these individuals.

I was particularly pleased that one of the honourees was Dr. Stan Kutcher from Nova Scotia. Dr. Kutcher is Associate Dean, International Medical Development and Research at the Faculty of Medicine at Dalhousie University. He is also head of the International Section of the Department of Psychiatry and is an expert in the area of child and adolescent psychiatry. Dr. Kutcher is a renowned and leading figure of research, education and clinical community services, not only in Nova Scotia and Canada but also around the world. He is currently doing work in the area of mental health with the World Health Organization.

As a Nova Scotian, it is my pleasure to recognize Dr. Kutcher and the other recipients who were the 2004 Champions of Mental Health.

WAR IN SUDAN

Hon. Consiglio Di Nino: Honourable senators, this past summer, the world witnessed the escalation of yet another act of madness in yet another African country. Unspeakable atrocities are occurring every day in the Darfur region of Sudan as the Islamic Janjaweed militias, bent on ridding the region of its primarily Black African residents and with the complicit approval of the government, are killing, raping and driving refugees into camps along the border of neighbouring countries. The conflict has already killed at least 50,000 people and displaced 1.4 million men, women and children.

As the *Ottawa Citizen* reported on Tuesday, the death toll could rise sixfold by the end of the year — hitting 300,000 — because of the continuing conflict and the worsening food shortages among refugees. More than 1 million people in Darfur face severe malnutrition. When refugees stray out of their camps to forage for food, the men often face death and the women risk rape at the hands of the militias.

This is not the first time we have seen this type of tragedy in Africa. Africa has seen bloodshed for a very long time. Before Sudan, our headlines talked about the horrible conflicts in Rwanda and in Somalia, as well as other places. They also talked about evil despots, such as Uganda's Idi Amin, who visited tortures and atrocities upon his people while the world watched and went about its own business.

We must ask ourselves why such genocidal acts continue unchecked. Is it because it is Africa? Is a Black life worth less than a White one? Why does the UN continue to allow these types of atrocities and bloodshed to occur without early intervention? Why must the international community be pushed and prodded and wait until tens of thousands are brutally butchered before getting involved?

We have all heard the so-called reasons, all the excuses, and yet, eventually, the world intervenes, and rightly so.

Honourable senators, I believe we have a moral obligation to help keep safe our fellow human beings, particularly innocent victims. Is it time to re-examine whether our international

institutions as they are currently constituted are up to the task? Is the United Nations dysfunctional? Must it be radically reformed so that it can address these kinds of challenges effectively and in a timely manner?

Not so long ago, the idea of the UN took shape. The League of Nations had failed. The creation of the UN Security Council, with its five permanent veto-holding members, was a novel idea that allowed the UN to exist and to flourish. We now need to re-examine that system, as well as other institutions, with a view to finding new ways that will help us to effectively deal with the world's problems, particularly to put an end to the brutal atrocities we have witnessed.

We cannot just stand back and do nothing. Canada can, should and, indeed, must take a leadership role.

[Translation]

ROUTINE PROCEEDINGS

CONFLICT OF INTEREST AND POST-EMPLOYMENT CODE FOR PUBLIC OFFICE HOLDERS

TABLED

Hon. Jack Austin (Leader of the Government): Honourable senators, on behalf of the Prime Minister, I have the honour to table, in both official languages, a copy of the Conflict of Interest and Post-employment Code for Public Office Holders, amended under section 72.062 of the Parliament of Canada Act.

TRANSPORT AND COMMUNICATIONS

REPORT PURSUANT TO RULE 104 TABBLED

Hon. Joan Fraser: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Transport and Communications, which outlines the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 37.)

FISHERIES AND OCEANS

REPORT PURSUANT TO RULE 104 TABBLED

Hon. Gerald J. Comeau: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Fisheries and Oceans, which outlines the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 38.)

[English]

AGRICULTURE AND FORESTRY

REPORT PURSUANT TO RULE 104 TABLED

Hon. Joyce Fairbairn: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Agriculture and Forestry. This report outlines the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 39.)

• (1430)

HUMAN RIGHTS

REPORT PURSUANT TO RULE 104 TABLED

Hon. A. Raynell Andreychuk: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Human Rights, which deals with the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 39.)

BANKING, TRADE AND COMMERCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Banking, Trade and Commerce, which deals with the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 40.)

NATIONAL FINANCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Donald H. Oliver: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on National Finance, which deals with the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 41.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

REPORT PURSUANT TO RULE 104 TABLED

Hon. Tommy Banks: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Energy, the

Environment and Natural Resources, which deals with the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 41.)

[Translation]

SPEECH FROM THE THRONE

ADDRESS IN REPLY—TERMINATION OF DEBATE ON EIGHTH SITTING DAY—NOTICE OF MOTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, pursuant to rule 58(1)(h), I give notice that at the next sitting of the Senate, I will move:

That the proceedings on the Order of the Day for resuming the debate on the motion for an Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated.

[English]

STATUTES REPEAL BILL

FIRST READING

Hon. Tommy Banks presented Bill S-5, to repeal legislation that has not come into force within 10 years of receiving Royal Assent.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Banks, bill placed on the Orders of the Day for second reading two days hence.

CANADA TRANSPORTATION ACT

BILL TO AMEND—FIRST READING

Hon. Tommy Banks presented Bill S-6, to amend the Canada Transportation Act (running rights for the carriage of grain).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Banks, bill placed on the Orders of the Day for second reading two days hence.

SUPREME COURT ACT

BILL TO AMEND—FIRST READING

Hon. Anne C. Cools presented Bill S-7, to amend the Supreme Court Act (references by Governor in Council).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Cools, bill placed on the Orders of the Day for second reading two days hence.

JUDGES ACT

BILL TO AMEND—FIRST READING

Hon. Anne C. Cools presented Bill S-8, to amend the Judges Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Cools, bill placed on Orders of the Day for second reading two days hence.

COPYRIGHT ACT

BILL TO AMEND—FIRST READING

Hon. Joseph A. Day presented Bill S-9, to amend the Copyright Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Day, bill placed on the Orders of the Day for second reading two days hence.

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. Joan Fraser: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Transport and Communications have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON MEDIA INDUSTRIES

Hon. Joan Fraser: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto;

That the Committee submit its final report to the Senate no later than Friday, June 17, 2005; and

That the papers and evidence received and taken on the subject and the work accomplished during the First and Second Sessions of the Thirty-seventh Parliament be referred to the Committee.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Joan Fraser: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Transport and Communications be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

• (1440)

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Gerald J. Comeau: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Fisheries and Oceans be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. Gerald J. Comeau: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Fisheries and Oceans have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

[English]

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Donald H. Oliver: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on National Finance be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Donald H. Oliver: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on National Finance have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Tommy Banks: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATED TO MANDATE

Hon. Tommy Banks: Honourable senators, I give notice that, at the next sitting of Senate, I shall move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on emerging issues related to its mandate:

- (a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;
- (b) Environmental challenges facing Canada, including responses to global climate change, air pollution, biodiversity and ecological integrity;
- (c) Sustainable development and management of renewal and non-renewable natural resources, including water, minerals, soils, flora and fauna;

- (d) Canada's international treaty obligations affecting energy, the environment and natural resources and their influence on Canada's economic and social development; and

That the papers and evidence received and taken by the Committee during the Third Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report to the Senate from time to time, no later than June 30, 2006, and that the Committee retain until September 1, 2006 all powers necessary to publicize its findings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Tommy Banks: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY OF STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system;

That the papers and evidence received and taken on the subject during the Thirty-seventh Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than December 31, 2005.

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

Hon. Joyce Fairbairn: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to hear from time to time witnesses, including both individuals and representatives from organizations, on the present state and the future of agriculture and forestry in Canada.

That the papers and evidence received and taken on the subject during the Third Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee submit its final report to the Senate no later than December 23, 2005, and that the Committee retain until January 31, 2006 all powers necessary to publicize its findings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON DEVELOPMENT AND
MARKETING OF VALUE-ADDED AGRICULTURAL,
AGRI-FOOD AND FOREST PRODUCTS

Hon. Joyce Fairbairn: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the issues related to the development and marketing of value-added agricultural, agri-food and forest products, on the domestic and international markets;

That the papers and evidence received and taken on the subject during the Second and Third Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee submit its final report to the Senate no later than December 23, 2005, and that the Committee retain until January 31, 2006 all powers necessary to publicize its findings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. Joyce Fairbairn: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Joyce Fairbairn: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

INEQUITIES OF VETERANS INDEPENDENCE PROGRAM

NOTICE OF INQUIRY

Hon. Catherine S. Callbeck: Honourable senators, pursuant to rule 57(2), I give notice that on October 19, 2004:

I will draw the attention of senators to the present inequities of the Veterans Independence Program.

QUESTION PERIOD

NATIONAL DEFENCE

FIRE ON HMCS *CHICOUTIMI*— SAFETY OF SUBMARINES PURCHASED FROM UNITED KINGDOM—REQUEST FOR INQUIRY

Hon. W. David Angus: Honourable senators, yesterday I questioned the Leader of the Government in the Senate about the dramatic maritime calamity involving our navy submarine, HMCS *Chicoutimi*, stranded in the turbulent seas of the North Atlantic Ocean without power following a frightening fire on board whilst the submarine was submerged, causing injury to nine crew members.

The kindly leader surprised me by trivializing the tragedy with what I felt were rather offensive words. "Stuff happens," he said, more than once. At the time I felt that this just was not good enough.

[Translation]

That is simply not good enough under the circumstances.

[English]

Today, honourable senators, we know that one heroic crew member, 32-year-old Lieutenant Chris Saunders of Halifax, has died of his injuries, leaving his wife, Gwen, and their two young sons, who will never know their father. We also know that two other brave crew members have been hospitalized for treatment of their injuries in Sligo, Ireland. We understand one of them is now in critical condition in the intensive care unit of the hospital.

The other 54 crew members remain on board, apparently totally exhausted and in deplorable conditions, battling the elements in the best traditions of the Royal Canadian Navy, trying to save their ship until professional salvors can take charge of the rescue operation and a relief crew can be airlifted to the scene.

Honourable senators, our hearts and deepest sympathy go out to the family of Lieutenant Saunders, as do our prayers for the safety of the two hospitalized seamen and their colleagues still aboard the *Chicoutimi*.

Based on what the Leader of the Government knows now of this tragic maritime casualty, would he still characterize the matter with the words "stuff happens"? How does the Government of Canada justify having taken the risk of sending brave, young Canadian sailors to sea in bargain-basement, old-fashioned submarines that were mothballed by the British navy more than 10 years ago?

• (1450)

Hon. Jack Austin (Leader of the Government): Honourable senators, if any one is trivializing this question, it is Senator Angus, who turns a tragedy at sea into a partisan political question.

I want to quote from General Hénault, who said, "A fire like this can happen aboard even spanking new ships. These things happen." What I said yesterday was the same thing: "These things happen." I was using jargon, I admit, but simply to say the same thing. No trivialization was intended.

I also do not believe that the decisions of the navy with respect to the procurement of these submarines should be treated as a political decision by the government. The navy submitted to the Government of Canada that submarines were required for its mission and the government accepted its recommendation. The navy indicated that these submarines would be suitable to that mission and the government accepted the navy's recommendation.

Senator Angus: Honourable senators, the saga of the *Chicoutimi* is front-page news across our land. It is the leading story in all the media. Military experts are being interviewed on whatever TV channel one cares to watch. They are calling for a full-blown inquiry into Canada's acquisition of these Victoria-class submarines from Great Britain, all of which have been beset by a worrisome number of problems from the outset, to say nothing of the fact that the program is way late and substantially over budget — by more than 25 per cent, I understand.

Will the government leader please confirm that a formal inquiry into this obviously serious matter will be established without delay?

Senator Austin: Honourable senators, the navy has indicated that it will carry out an inquiry into the tragedy that took place. I feel certain that such an inquiry and examination of whether these vessels were suitable in the first instance will inevitably follow.

Senator Angus: I am pleased to hear that response. It is true that military accidents can happen, but not always in such dramatic fashion and with the *res gestae* that surrounds this situation. This is of great concern to Canadians. We once had a proud reputation as a first class and effective peacekeeping nation with a full complement of skilled and well-equipped military personnel. This reputation has been sullied repeatedly in recent years.

When will we properly equip our military with modern state-of-the-art ships, helicopters, planes, tanks and other materials and stop exposing our brave young military men and women to the hazards inherent in using defective and out-of-date gear and equipment?

Senator Austin: Honourable senators, I would reply by saying that we have a fine military, a proud military, one that the government will defend. The government has provided — that is, the government of the present Prime Minister — \$7 billion in commitments to capital acquisitions for the military in addition to its normal operating budget. My honourable friend might give thought to the helicopter contract that has already been allotted, to the troop transport vessels that have been allotted, and to the armoured carriers that are being purchased, as well as a number of other capital equipment requirements.

Honourable senators, technology in the military business changes rapidly and is extremely costly. I believe that this government's record under Prime Minister Martin is an excellent one in supporting the military.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, would the minister advise this house why the HMCS *Chicoutimi* was attempting to cross the Atlantic Ocean with no Canadian escort? This submarine had not been "sea trialed" and was coming to Halifax to undergo a retrofit. Why was a Canadian frigate or destroyer, with the appropriate helicopter onboard, not escorting that submarine?

Senator Austin: Honourable senators, if that is a relevant question, I am sure it will be asked during the inquiry that I have stated will be conducted by the navy.

Senator Kinsella: Honourable senators, the navy inquiry is important, but there is also the question of the Minister of Defence and his responsibility for the navy. This acquisition may have been recommended by the navy, but the minister must assume responsibility for everything that occurs. The navy attempted to send that submarine across the Atlantic without an escort. However, they escorted the *Victoria* to Panama and up to Esquimalt, and it had been retrofitted in Canada.

The size of the crew should also be reviewed. I do not think we will find that the number of fixed berths on that type of submarine meets the size of the crew.

• (1500)

Senator Austin: Honourable senators, I feel confident in saying that the decision to release the HMCS *Chicoutimi* from the Scottish shipyard and taking responsibility for it was taken on the navy's own judgment. The question of escort was made on the navy's own judgement. The Minister of Defence does not become involved in operational questions.

PURCHASE OF SUBMARINES FROM UNITED KINGDOM—REQUEST FOR INQUIRY

Hon. Marcel Prud'homme: Honourable senators, coming back to what I said yesterday, I am glad that the new deputy chair of the Banking Committee raised that issue this morning. This is something that has been bothering me since 1995. At that time, I obtained information from an informant. I am usually sceptical about that kind of information, but given my past interest in military matters, someone called and asked that I pay attention to how this great sale of the year came about. That is what I said yesterday and repeated to Senator Carstairs and Senator Fairbairn, who was kind to take my question, and then I asked the same of Senator Graham and others.

Many top officers in the navy retired and became lobbyists for various firms. I am not accusing anyone, but I do not think Canadians will be satisfied if the navy conducts an inquiry on things that happen in the navy. I will ask the minister again today — and I am sure others will as well — to pay attention to how this great deal of the century came about. At that time, I said that we bought lemons, and someone who knew about this said they would be lemons passed on to Canada. I use that same expression even though I am not an expert.

Will the minister see to it that we will not be satisfied solely with an inquiry conducted by the navy? The navy can ask first what happened, but following that, there must be further inquiries to satisfy Canadians, especially now that one Canadian has been lost. I know that members of this house join me in offering condolences to the family of this Canadian who served Canada well. This tragedy affects us all.

Is the minister able to tell us today that we will wait for the navy's report but that, if need be, there will be further inquiries?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Prud'homme is urging the proper course. We should wait to obtain the results of the inquiry by the navy. As I said, a question with respect to the acquisition of the submarines will be relevant to the inquiry, and we will see where we go from there, if need be.

FOREIGN AFFAIRS

FINANCIAL COMMITMENT TO GLOBAL FUND FOR HIV/AIDS—INVOLVEMENT OF LEAD SINGER OF ROCK GROUP U2

Hon. David Tkachuk: Honourable senators, on May 12, 2004, Ottawa received a high-profile visitor by the name of Paul Hewson. If you are not a fan of a certain rock group, you would not realize that I am talking about Bono of the Irish band U2. Bono was in Ottawa just days before the federal election was called. He held a joint press conference with Paul Martin regarding Canada doubling its financial contribution to fight HIV/AIDS from \$35 million to \$70 million, although these funds are not expected to kick in for another year and a half. How much did Mr. Hewson, or Bono, get paid to participate in the press conference on Wednesday, May 12, 2004? For what expenses — receipted and not receipted in this day and age — was he reimbursed?

Hon. Jack Austin (Leader of the Government): Does the honourable senator have information to give the chamber that the person known as Bono was paid or received reimbursement of expenses? Does he have facts to bring to the chamber?

Senator Tkachuk: I am asking a question. I would hope the Leader of the Government would have the facts.

Senator Austin: I wonder if the question is based on any facts at all.

Senator Tkachuk: Did the government pay Mr. Hewson or did it not?

Senator Austin: Honourable senators, I will take notice of the question, but I am interested in the fact that the honourable senator alleges that he does not have facts to give the chamber.

Senator Tkachuk: I never alleged anything. I asked a question. I thought we in the opposition had a right to ask a question and that the government should know the answer. If I knew the answer to the question, I would not be asking it.

According to *The Gazette* on May 12, 2004, page A-13, Prime Minister Paul Martin persuaded the U2 singer to come to Ottawa for the press conference. What advertising agency was paid by the Liberal government under the Prime Minister's direction to engage Mr. Hewson, or Bono, and how much money did that agency receive, including any commission or handling fee?

Senator Kinsella: That is a clear question.

Senator Austin: The honourable senator is asking a question to which I said I would take notice.

Senator Tkachuk: Will he take notice of both questions?

Senator Austin: Yes, both questions.

Senator Rompkey: Is that clearer?

Senator Robichaud: All your questions.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

APPLICATION OF PROPOSED LEARNING BOND PROGRAM

Hon. Marjory LeBreton: Honourable senators, the Speech from the Throne held a promise to introduce legislation implementing the Canada Learning Bond, which was previously announced in the last federal budget. The Liberal government says the learning bond will help low-income families save for their children's post-secondary educations. However, families receiving social assistance in Ontario, Quebec and British Columbia may not be able to contribute to the learning bond without putting their provincial benefits in jeopardy. Welfare rules in those provinces do not exempt educational savings from being considered part of a person's financial assets when they apply for social assistance.

What is being done to remedy this situation? In other words, can the federal government assure us that the legislation it intends to bring forward will be to the benefit of all Canadian children from low-income families regardless of the province in which they may live?

Hon. Jack Austin (Leader of the Government): Honourable senators, that is a very good question. The first obligation of the federal government is to respect the jurisdiction of the provinces. Our second step will be to discuss with them the possibility of making the government's program more effective in all provinces of Canada.

Senator LeBreton: One would hope so because it could not be a plan to benefit all Canadians if certain provinces restrict someone from applying.

Aside from eligibility problems, the proposed learning bond may also prove ineffective for low-income families, as many of them simply cannot afford to contribute to educational plans for their children. Statistics Canada reported this summer that half of low-income parents are not aware of federal programs that allow them to do so. Could the Leader of the Government tell us how the government will help these families better position themselves to save for their children's education?

Senator Austin: It is to be desired that government programs that exist today are better known to Canadians who can make use of them. I will make inquiries to see what information programs the government may have to carry out that objective.

Senator LeBreton may have noticed that the government, over the last several months, has been reviewing its advertising and other programs that carry federal information to the Canadian public.

FINANCE

BANK MERGERS— COMMENTS BY MINISTER OF INDUSTRY

Hon. Donald H. Oliver: The Minister of Finance has responsibility for banking policy, and in recent years holders of that office have continually delayed announcing bank merger guidelines. However, while the Minister of Finance has not produced the guidelines, the Minister of Industry, David Emerson, was reported in *The Globe and Mail* on September 3 as saying:

We can't stop them from consolidating, or we're simply going to render them second- or third-level players in the world economy.

Could the Leader of the Government please advise whether the minister was simply freelancing or whether his comments reflect the current policy of the Government of Canada and, if so, when we can expect the guidelines?

Hon. Jack Austin (Leader of the Government): Honourable senators, on the subject matter raised by Senator Oliver, the Minister of Finance speaks for the Government of Canada.

FINANCING SMALL BUSINESS— CHANGES TO TAX POLICY— COMMENTS BY MINISTER OF INDUSTRY

Hon. Donald H. Oliver: Honourable senators, *The Province* of September 28 reported the following:

Industry Minister David Emerson hinted yesterday that the government may offer tax breaks to encourage more small businesses to adopt the latest information and communications technologies.

The article goes on to state, "We need to assess how we can accelerate technological adaptation by the growing number of firms," referring to small- and medium-sized businesses. He continues, "Tax incentives and/or lower taxes may have a role to play here...."

Tax policy is also in the domain of the Minister of Finance. Could the Leader of the Government advise whether the Minister of Industry was speaking on behalf of the government and whether his comments reflect the position of the Government of Canada with respect to financing for small business?

Hon. Jack Austin (Leader of the Government): Honourable senators, it is common practice in the Westminster model that, while policy remains under debate, ministers of the Crown are

allowed to express with proper conditions, which I suggest Minister Emerson did, the possibility of policy development and direction.

Hopefully, that type of statement gives rise to expressions of interest or no expressions of interest so that the minister will know in what direction to make his efforts. I would suggest that the statement is well within the jurisdiction of the Minister of Industry.

Senator Oliver: My question was not whether it was within the jurisdiction. It was whether this statement now reflects the direction in which the government is going. It was a different question.

Senator Austin: I answered it by saying that the minister was making statements inviting public debate on a topic that may in the future be considered by the government.

• (1510)

HEALTH

BRITISH COLUMBIA—OUTBREAK OF AVIAN FLU— RESPONSE PROCEDURES—REQUEST FOR INQUIRY

Hon. Wilbert J. Keon: Honourable senators, my question is for the Leader of the Government in the Senate and it pertains to avian flu. Honourable senators, serious questions have been raised about the federal response to the avian flu crisis in British Columbia earlier this year.

B.C. Provincial Health Officer Dr. Perry Kendall has said that, in its early stages, there were serious biosecurity breaches by the federal agencies that handled the crisis and that the province was lucky the disease did not jump from birds to humans.

Also, in an internal Health Canada report, an infection control nurse said that poor training and delays in disposing of dead birds had increased the risk of human infection. As a result of these reports, British Columbia has asked for a comprehensive review of the crisis.

Could the Leader of the Government in the Senate tell us if the federal government is planning a review and, if so, does he have any idea when such a review might occur?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am not informed as to the state of that consideration. I will make inquiries.

As Honourable Senator Keon knows, the highest degree of risk existed in my province of British Columbia and I have a great interest in understanding the answer to the question.

Senator Keon: Honourable senators, one of the specific criticisms raised by the Health Canada report was that Canadian Food Inspection Agency workers were uncertain as to how to properly use their personal protective equipment, such as how to put on and take off their equipment when going on a break. This would seriously affect disease transmission.

When making his other inquiry, would the Leader of the Government inquire as to whether these people are in the process of being trained?

Senator Austin: I believe that Senator Keon and I would agree that, as a result of the outbreak of avian flu, a lot is being learned about how to protect workers who are working with endemic or pandemic situations. I will add that question to my inquiry.

CROWN CORPORATIONS

TAX BREAKS TO EXECUTIVES THROUGH INFLATED EXPENSE CLAIMS

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, the Canada Revenue Agency does not allow employers to use inflated expense allowances as a way to deliver tax-free income. If an expense claim seems unreasonably high, it is taxable, unless there are vouchers or other acceptable evidence to defend the expense.

Yesterday in the other place, the Minister Responsible for Canada Post said that the Canada Revenue Agency will audit the expenses of André Ouellet's office over the last five years. The reports that Mr. Ouellet claimed \$2 million in unreceipted expenses were somewhat hard to ignore.

In the private sector, the Canada Revenue Agency catches inflated employee expense claims when they audit the books of a business, causing the owner of, say, Joe's Hardware to think twice about using this as a way to deliver tax-free income to himself or his staff. Joe knows better than to claim an unreceipted \$10,000 business trip. The tax department does not usually audit Crown corporations because they do not pay tax. This is a special case.

Could the Leader of the Government in the Senate advise as to whether there are routine safeguards to ensure that Crown corporations do not attempt to deliver tax-free income to their senior managers in the form of inflated expense claims?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will be happy to provide an answer to that question at a later time.

Senator Stratton: Could the Leader of the Government in the Senate advise whether it is standard practice at Canada Post and other Crown corporations and agencies to issue T-slips when employees are paid unreasonably high sums for unreceipted expense claims and, if not, why not?

Senator Austin: I will add that to my inquiry and, hopefully, to my later answer.

CANADA POST

AVAILABILITY TO SENIOR MANAGEMENT OF HONOUR SYSTEM FOR EXPENSE CLAIMS

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, Mr. Ouellet defended himself by saying that he followed the rules that existed when he joined the corporation, which did not require him to produce receipts. Would the Leader of the Government in the Senate advise as to

who else at Canada Post did not have to produce one ounce of proof that their expense claims were valid and reasonable? Did the policy apply to Mr. Ouellet alone? Did the policy include the chairman, vice-presidents and so forth? How widespread was this honour system? Over the same period, how much was paid out to other senior managers in the form of unreceipted expenses? Will the Canada Revenue Agency audit go beyond the president's office?

Lastly, would the Leader of the Government advise whether the government is planning a similar audit of the expense claims of the former Privacy Commissioner?

Hon. Jack Austin (Leader of the Government): Honourable senators, this question may be better dealt with as a written question under our rules. I will endeavour to answer it in due course.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Chaput, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-eighth Parliament.—(*1st day of resuming debate*)

Hon. Joseph A. Day: Honourable senators, I am pleased to participate in the debate on the Address in Reply to the Speech from the Throne. I also wish to congratulate Senators Munson and Chaput for moving and seconding the Address in Reply to the Speech from the Throne.

I should like to take this opportunity to discuss a few of the points raised by Her Excellency during the speech on Tuesday. I believe the concepts outlined by the Governor General will allow all parliamentarians to come together to build a shared vision for the future of our country and allow us to work together to turn that vision into reality.

[*Translation*]

I would like to discuss with you today the role the government will play with respect to community development. This is a multi-faceted role encompassing numerous government dossiers: social development, human resources, infrastructure, industry, regional economic development, public security and national defence in particular. The choices we make in implementing the measures announced in the Speech from the Throne will have considerable impact on future generations of Canadians.

[English]

Being from the region of Atlantic Canada, honourable senators, I was pleased to learn that we are continuing our effort to build healthy and sustainable communities, while taking into consideration the needs of society, the economy and the environment. Our larger communities face a number of pressures, including immigrant settlement, affordable housing, water, waste management and public transit delivery.

Honourable senators, in her speech, Her Excellency pointed out that she had visited a number of cities throughout Canada recently, including Saint John, New Brunswick. She found, "...remarkable, innovative projects for social renewal and individual commitment."

Some of the social challenges facing Saint John are currently being met by a collaboration of local organizations and residents, led by the Saint John Business Community Anti-Poverty Initiative, the Human Development Council, and the Urbancorp Support Network. Over two dozen organizations have come together to develop a community plan that will guide their efforts in substantially reducing poverty in the community over the next 10 years.

Therefore, I was pleased to hear Her Excellency, when she stated:

The Government is determined to foster the social economy — the myriad not-for-profit activities and enterprises that harness civic and entrepreneurial energies for community benefit right across Canada. The Government will help to create the conditions for their success, including the business environment within which they work.

• (1520)

Collaborative involvement by the federal government and groups such as those volunteer organizations in Saint John and in other cities throughout Canada is critical, if we are to alleviate poverty and its associated social problems in our cities.

According to a 1996 census figure, 27 per cent of the Saint John population lives in poverty, while one in three children and youth lives in poverty. Saint John is not unique in this regard. This is the kind of challenge that lies ahead for our larger centres throughout Canada, as we begin to implement the new agenda for cities and communities.

Having spoken of larger communities, it is important for us to remember as well our rural communities and their challenges. About half of Atlantic Canadians live in rural areas. Rural areas throughout Canada also face serious problems that threaten their very existence. For example, how to discourage our youth and qualified workers from leaving less populated areas to seek employment and riches elsewhere, and issues with regard to the level of health care available to residents in rural areas are but two of the many challenges being addressed by the Prime Minister's External Advisory Committee on Cities and Communities. It is up to us all to provide input and guidance to this committee.

[Senator Day]

In a speech recently delivered by the Honourable John Godfrey, Minister of State for Infrastructure and Communities, to the conference on the future of Canada's infrastructure, he noted that you cannot separate the discussion of the challenges facing our larger communities from those facing our smaller communities. Mr. Godfrey said that, if our larger cities fail to be globally competitive, our smaller communities will be affected. If our smaller communities fail, our larger communities will find themselves growing even faster with intensified social problems.

A clear example of this interdependence between urban and rural areas in Canada was recently revealed in New Brunswick when the pulp mill at St. Anne Nackawic ceased operation. The mill opened in 1969 and was the main employer in the town of Nackawic, located approximately one hour northwest of Fredericton. The mill's operations provided 40 per cent of the town's annual budget through property taxes. The mill directly employed nearly half of the town's population. In addition, it provided half of all forest product exports from the Port of Saint John, which handles the largest volume of forestry products on the Atlantic seaboard.

As a result, two of the shipping lines that offered regular service between Europe, Asia and Saint John are eliminating their service to Saint John. The port will now also lose other customers that they worked hard to attract to the port due to the regular visits of these lines. This could result in the immediate loss of 40 full-time longshoremen at the Port of Saint John.

We in the Saint John region faced similar challenges in the past when the federal government decided to open the St. Lawrence Seaway to winter shipping by the use of icebreakers, thereby eliminating a vibrant winter port activity in Saint John. We met that challenge, and we will meet this new one.

It is important to note that, on occasion, the policies of the federal government intended for one region of Canada can result in profound social and economic impacts on other regions. We must always keep that in mind.

The Port of Saint John is still a vital piece of transportation infrastructure that links New Brunswick and the Maritime provinces to worldwide markets. We will continue to work to attract business to the port that will have a positive effect on the economy of our region.

These efforts can be enhanced through the continued development of our transportation infrastructure where the federal government has and will continue to play an important role. It is vital that Atlantic Canada continue to modernize its highway system. Similar calls for support have been made in the past and much work has been done to improve the highway system in our region, especially in New Brunswick. However, this is not a time to rest on our laurels. Plenty of work remains to be done on the highway system in Atlantic Canada before the system can be considered comparable to that in other parts of North America.

To that end, business leaders and representatives from all levels of government in southern New Brunswick and eastern Maine have come together to form the Maine-New Brunswick Trade

Corridor Committee. The aim of this committee is to improve highway connections throughout the region. Their initial goal is to work toward the creation of a modern and smart border crossing in southern New Brunswick to serve business and pleasure travellers for all of Atlantic Canada.

According to the U.S. Bureau of Transportation, the current crossing connecting the town of St. Stephen, New Brunswick and the city of Calais, Maine is one of the top five Canadian gateways for personal vehicles crossing into the United States. In addition, it serves as one of the two main entry points for over \$7 billion worth of goods annually that travel from the Atlantic region into the United States.

Honourable senators, as a result of many months of effort by many people, it was announced in November of 2003 that the federal and provincial governments would commit themselves to improving the two main border crossings in southern New Brunswick. Now we must ensure that these projects are completed promptly so that international trade between Canada and the United States will continue to grow and Atlantic Canada will prosper. With this development, businesses in our region will be able to expand while our communities retain their skilled workers who presently seek employment elsewhere, the majority heading to Calgary.

For the town of St. Stephen, the new highway border crossing will allow a diversion of traffic out of downtown, creating less noise and traffic pollution for the residents of that wonderful community. Moreover, it will facilitate safer, more efficient and secure border access points than those currently available.

Having a secure community is something all Canadians deserve. The Speech from the Throne continues to show that the Government of Canada is committed to developing the capacity to respond to emergencies and keep Canadians secure. This is important because, as the Governor General noted in the Speech from the Throne, "Communities are key to social goals and our economic competitiveness. They are the front lines in building a better quality of life."

To that end, steps have been taken to ensure that Canadians have a voice on those matters pertaining to the security of their communities. The creation of the advisory council on national security will provide confidential expert advice on issues relating to national security to the cabinet and, through the national security adviser — a newly created position — to the Prime Minister. The membership of the new council will reflect a diversity of individuals with expertise relevant to national security issues including intelligence, law and policy, human rights and civil liberties, emergency planning and management, public health emergencies, public safety, transportation security, et cetera.

Another forum where Canadians will be given the opportunity to enter into a dialogue with the Government of Canada on national security issues is the newly created Cross-Cultural Roundtable on Security. I know that Senator Jaffer has been very active in relation to this initiative. The round table will provide insights on how national security measures may impact

Canada's diverse communities, while facilitating a broad exchange of information between the government and communities. It will also serve to promote the protection of civil order, mutual respect and common understanding among Canadians.

• (1530)

Honourable senators, it is no coincidence that Her Excellency began her address by acknowledging the debt all Canadians owe to our veteran community. The Governor General noted that she is about to travel to Italy to commemorate the Italian campaign of World War II. I am pleased that that particular campaign has been noted. For so many years, it was almost the forgotten front in the Second World War.

She stated:

On these occasions, we are reminded of the huge debt we owe to those in uniform who have served this country — then and today. Our veterans connect generations and Canadians. As a country and as individuals, we gain in pride and in purpose from their deeds and their service.

Without a fully functioning military, we place our nation, our communities and ourselves at risk. That is why I am pleased to learn that the Government of Canada remains committed to increasing the Canadian Forces by 5,000 members, enhancing our capacity for peace and security support.

In addition, we will increase our Armed Forces reserve strength to 18,000 from 15,000, to give Canada new capacity to respond to domestic crises and international deployments.

It is our expectation that we will fulfil these commitments responsibly by giving the Department of National Defence the financial support required to equip and train their new recruits in the Canadian Armed Forces. A responsible supply of funding to support our Armed Forces will make them more effective. This increased effectiveness will assist the Canadian Forces in fulfilling both domestic requirements and foreign policy objectives.

One of those domestic requirements, and one that affects many communities in Canada, is the operation of the army reserves. The reserves currently have 130 units in 110 Canadian communities. As emergency response plans are developed and continually refined in various communities, it will be important for civilian organizations in those communities, such as the police, firefighters and emergency responders, to work along with the military units in those areas to train together in how to implement these emergency response plans. These exercises provide responders the opportunity to work out the glitches prior to actual emergencies.

The Hon. the Speaker *pro tempore*: Honourable senators, I regret to inform the honourable senator that his time for speaking has expired. Is the honourable senator asking for leave to finish his remarks?

Senator Day: Honourable senators, having but one page left of my prepared text, I would appreciate half a minute to conclude my remarks.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

[Translation]

With innovation and determination, Canada's communities will be able to meet the challenges that confront them daily. As the Speech from the Throne indicates, the Canadian government will continue to take the necessary steps to help them in this task. Our government is resolutely focussed on the future in order to ensure that communities are able to solve the problems of the present, while also continuing to grow.

[English]

Since Canada is a major world trading nation, our prosperity is linked to a secure marketplace that we must continue to preserve and enhance. Without this security, our prosperity and, indeed, our sovereignty are at risk. Our sovereignty must be secured so that we can continue to develop opportunities to build the Canada that we want, a Canada where all Canadians can live in peace and prosperity.

[Translation]

Hon. Laurier L. LaPierre: Honourable senators, I am pleased to participate in the debate on the Speech from the Throne and I will raise some points that struck me as particularly important as far as the history of our country is concerned.

[English]

Of the seven commitments that will guide the actions of the Government of Canada on behalf of Canadians, one demands a special commitment from me and, I think, from every Canadian. It is that we must assist the Government of Canada to "recognize Canada's diversity as a source of strength and innovation."

In other words, I am of the opinion that in meeting the common and destined purpose of our country, every Canadian must accept the challenge of diversity that is embedded in the common history of our country, in the common history that we have lived since the beginning of our time.

This has led Canadians to ask two fundamental questions over and over again. How knowledgeable are we about Canadian history; and, above all, how much Canadian history is taught in our schools?

I am told that the jury is still out on these two matters. I should like to share with honourable senators the experience I have had over the past 10 years working with the Historica Foundation in interesting young people and students in the history of Canada through heritage fairs and other such methodologies so that they may be awakened to their country and delve into the history of it.

Many commentators have seen fit to inform us that, during the course of their schooling, Canadian students are not sufficiently taught about the developments and events in Canadian history. It

is often stated that the young are as ignorant of Canadian history as are their parents and the adults and the politicians that surround them. To a large degree — except for the politicians — this is so.

However, this conclusion does not mean that the students and the adults, if I can speak for the adults, have not been exposed to the facts of our history. They have. The conclusion that the schools have abandoned Canadian history is not entirely valid.

What is valid is that in my pilgrimage to the schools in this country, which I visit constantly, by and large, schools no longer teach Canadian history as a distinct discipline as they once did. That may be a blessing in disguise. I recently visited British Columbia where I must have talked to 5,000 students in 35 different schools all over the province.

The way most of us were taught Canadian history was repetitive and boring. It is no wonder we all forgot it as we grew up.

As a report of the Historica Foundation points out, there has never been in the Canadian history curriculum a generally accepted nation building narrative of the Canadian past that shapes the Canadian history curriculum. In other words, we have never used history to build nationalism, to build "citizenshipishness." We have not done so, as the Americans have done, largely because we cannot have one history of Canada. This is why there is no one textbook on Canadian history. There can only be two histories of Canada, one written by an English speaking author and one written by a French speaking author, for the simple reason that the view of the country is so vastly different in accordance with the life of the two fundamental groups in our country.

That is all right because research has shown that, at one time or another during their schooling, students encounter the main elements of their history, but it is not presented to them the way we learned it, in chronological sequence in a specific grade level course. Therefore, we have concluded, along with the adults, that the children are not taught history because they are not being taught the way we were, which is absurd nonsense.

In such a circumstance, there is no doubt that this thematic approach destroys the chronological development that lies at the heart of history. However, there is absolutely no doubt that this thematic approach, as a report to the Historica Foundation pointed out, helps students make sense of what would be otherwise a mass of disconnected material.

Furthermore, history is, unfortunately, a prisoner of the bastard thing called social sciences, a concept which is unintelligible to anyone who is intelligent and which is one we have borrowed from the American National Council of Social Studies.

• (1540)

The less I say about social studies and putting history into it, the more my life will be safe and not endangered. Suffice it to say that a historical understanding can only be achieved by making history a distinct discipline in the curriculum, like catechism. It must be a distinct discipline, and social studies be damned.

I talk quite a bit about the Historica Foundation because it is one of the greatest things we have in this country. I do not say that because I am on its board, but because it is essentially is a very good thing. It was founded and led by the great Tom Axworthy.

Historica asked students their opinion of the subject and its importance. Regarding this question, the data accumulated suggested that the majority of our students do not see history as especially useful in the vocational sense. Inclined to view education instrumentally either as an adolescent right of passage or as a step toward a job or future education, students tend to rate their subjects in terms of what they judge to be their material value. This does not necessarily mean that students dislike history, only that they do not think it to be as vocationally useful as, say, mathematics or science. Researchers found that approximately two thirds of students found history interesting and agreed that it is useful for understanding the world in which they live.

Anecdotal evidence supports what common sense suggests: When students like history, it usually has more to do with the teacher who teaches it than with the subject matter. Therefore, the people who must be respected and assisted in our schools are the history teachers. Forget all the others; they are valueless, but the history teachers must be assisted.

How much history do our students know or do we as adults know? The answer to this question is not especially encouraging. As is well known, students perform badly on the basic tests of historical knowledge created by the Dominion Institute. They always fail. Despite the fact that the schools teach Canadian history, the students do not appear to remember it. The adults do not either. However, there is nothing new about this state of affairs, nor is it uniquely Canadian. Throughout the 20th century, surveys show that students remembered very little of the history they learned in school, regardless of the shape of the curriculum or the methods used by their teachers. More accurately, they retained relatively little of the factual information they were taught. It seems likely, however, that they did retain some broad general impressions. For instance, most Canadian youth and most Canadian adults, whether or not they can identify John A. Macdonald or assign a date to the execution of Louis Riel, know that the First Nations lived in what is now Canada for thousands of years before the arrival of the Europeans and that that fact has consequences. They know also that Canada was once a French colony, and that has consequences. They know that it was conquered by the British and was part of the British Empire, and so on throughout the broad strokes of the Canadian past, all of which have consequences for now and tomorrow.

It might be that this is as much as we can expect realistically from the schools. It is a matter of common experience that people forget most of the specific facts they are taught in school, regardless of the subject. That is a fact. As the famous historian George Wrong observed in the 1920s, "our education is what is left when we may have forgotten most of the facts which we have learned." This is perhaps especially true in the case of Canada, where Canadians, youth, due to the influence of American media and culture, rarely encounter any reference whatsoever to

Canadian history in their everyday life. Students, especially in English-speaking Canada, grow up in an environment saturated in American culture so that the history they learn in school is rarely reinforced by the general culture in which they spend most of their lives.

The third question we asked was how well do and can students understand Canadian history. Nonetheless, surveys and everyday experience alike demonstrate that most Canadians and youth are conscious of being Canadians and do not want to be anything else. That is a good point. In addition, in comparison to the rest of the world, democracy is alive and well in Canada, and Canadians are obviously committed to democratic principles and values.

Given the ways in which the schools use history to teach citizenship, it seems reasonable to assign them at least some of the credit for this state of affairs. It is true that there are signs of what some are calling a democratic deficit, as evidenced by declining turnouts in elections, relatively low rates of participation in public affairs, gender and other inequalities and the like, but such problems cannot fairly be laid at the door of the schools, and it is simplistic to expect that the schools alone can solve them.

Nonetheless, researchers in Montreal and Toronto have suggested that at least half of the 15-year-olds they have studied did not find politics of any great interest. Ninety-five per cent of the adults do not find it very interesting either, or of great national interest, so I am not surprised that the youth do not. However, youth are committed to human rights, even though they were sceptical about democracy as a political system. Even so, in broad terms, and despite some gaps, it seems that students are learning the citizenship lessons that the schools use history to teach, even if they do forget the factual details of the past. It is easy to blame the schools for their failures, but to the extent that Canada is a society that works, the schools and teachers should be given some credit for that.

Now I will tell honourable senators about a game that has been developed, and I want you all to play when it comes on the market. It will amuse you, your grandchildren, your mistresses, your wives, your husbands and your children.

Bitcasters and Historica have partnered on the world's first national history game. HistoriCanada is an immersive, interactive experience that allows players of all ages to create the destiny of the nation Canada. It allows those who play it to experience in a visceral manner the dynamics and the variables of nation building. It is not about memorization; it is about the experiential quality of actually being able to determine the outcome of your nation's history by playing the game as if you went back in time and became a settler in the North America such as a French Canadian in the 18th century. With the HistoriCanada game, you are empowered to actually be one of the civilizations — French, English, native, colonist — in one of the most innovative educational methods available today. We are all aware of the power of computer games and the vast reach they have in our modern media diet, especially among our youth. HistoriCanada is a way for our youth to experience the history of our country in a fun and educational manner, without them ever realizing the game is actually a teaching mechanism.

I thought that I would tell honourable senators about the game so that you would be encouraged as I am. I have spent my life telling Canadians that they are ignorant of their history and will lose their country to the Americans if they do not wake up. Now, more and more, I am becoming convinced that we will not lose our country. It is not history that will make us hold on to the country, but our love of the country, love of its geography, and an understanding of the past, how we came to be where we are and why we are the magnificent and glorious nation that we have become. When we know that, we are strengthened in our fundamental belief that Canada is ours and that it must be an instrument for creating peace and harmony around the world. That is why we have been put on the most beautiful piece of land on the planet Earth.

• (1550)

Hon. Gerard A. Phalen: Honourable senators, I was pleased to hear in the Speech from the Throne of the government's commitment to the health care program. I should like to bring to your attention today the issue of Alzheimer's disease and other related dementias in an effort to focus our attention on this devastating disease and the need for research into its causes and cure, as well as the need for caregiver and community support. With this government's focus on health care, and this week's focus on mental illness, I am sure that we in this chamber will be looking at health care funding throughout the upcoming session. I want to ensure that research into this destructive disease receives the government's highest priority.

It is important to put the statistics regarding this disease into perspective. If you would all indulge me for a moment, if you were to look at six or seven colleagues at both your right and left, according to the statistics, and bearing in mind the average age of senators in this chamber is 65.25 years, at least one of these 13 people seated near you is already affected by Alzheimer's disease. With 105 senators, these statistics mean that eight of us may already have this disease. By the time we retire from this place at age 75, the odds will be even worse. One in nine of us will have Alzheimer's disease or a related dementia. Honourable senators, this means that by our retirement age at least 10 of us could already be affected by this debilitating disease.

When I look at my colleagues in this place and think that by retirement at least 10 of us could have Alzheimer's disease, I am saddened to think that this disease will relentlessly burn through one of the things we rely on to define ourselves — our minds. I am saddened to think that the key light of intelligence I see in the eyes of my colleagues will fade and eventually completely disappear.

With Alzheimer's disease, memory loss is the most prominent early symptom, followed by a slow disintegration of personality and physical control. As the disease progresses, some individuals hallucinate and suffer delusions. Some have seizures and, in the late stages, some will have challenging behaviours.

These statistics, although horrifying, still do not give the complete picture. In an attempt to explain the reality of this disease, I will quote a few passages from some Alzheimer's disease patients themselves who wrote for the Alzheimer Society of British Columbia's publication, *People with Dementia Speak Out*.

Sometimes I can't think what I'm supposed to do...how do I control the water temperature in the shower, use the bank machine, the VCR?

I arrived at the building my meeting had been held in for years, but I couldn't find the regular meeting room. A lady asked me if I was lost, but I wasn't. I just couldn't find the room.

Occasionally I have to pull over while driving because I can't remember where I am going or where I am now.

I should also like to quote for you from an article by Christopher Young, a former editor of the *Ottawa Citizen*, who was diagnosed with Alzheimer's disease:

I tend to bark at my wife and bumble the computer. Reading, unhappily, does not appeal so much; it seems to take an unreasonable length of time to finish a book. Arithmetic has become virtually impossible without help.

Honourable senators, these short quotes give you only a glimpse into the reality of living with Alzheimer's disease. As horrible as this disease is for the afflicted, it is almost equally devastating for the family and loved ones. For every one person with dementia, the lives of over 10 people are significantly impacted.

Patti Davis, the daughter of Ronald Reagan, expressed it well in a February 2004 article in *Newsweek* when she said:

Alzheimer's is, quite simply, a wasteland. The only thing that loved ones can do is to try to reach into it, grasp whatever we can.

Fifty per cent of people with dementia live in the community and most have a family member providing for their care. Over 70 per cent of these caregivers are women and half are over the age of 60. Thirty-six per cent of them are over the age of 70. According to the Alzheimer's Society, caring for people with dementia is associated with chronic health problems among caregivers. Forty per cent of caregivers of Alzheimer's patients with moderate dementia report symptoms of depression.

Honourable senators, this past year saw this chamber pass Bill C-6, respecting assisted human reproduction and related research. Fortunately, due to this legislation, we in Canada now have a framework for stem cell research. Unfortunately, the United States has placed severe restrictions on stem cell research. In speaking out against the U.S. stem cell research restrictions, Ron Reagan Jr. said on a recent edition of *Larry King Live*: "This could be the biggest revolution in medicine ever, bigger than antibiotics, bigger than anything."

Stem cell research may well hold the key to Alzheimer's disease, but that may be many years away. In the interim, new drugs such as Aricept and Exelon have been approved to treat symptoms in people with mild to moderate Alzheimer's disease. These medications slow down the decline of cognitive functions such as memory and language, but are not a cure for Alzheimer's disease as they do not affect the underlying degenerative process of the disease.

Honourable senators, until we have a cure, one thing we can do as senators is to be vocal to ensure that adequate funding is provided for research into this disease. The Alzheimer Society of Canada estimates the public cost, including home care, institutions, medications, community support and the medical team ranges from \$9,451 to \$36,794 per patient per year. This amounts to approximately \$5.5 billion annually, yet the Canadian Institutes of Health Research reports that it provided only \$13.5 million in 2001-02 for all research related to Alzheimer's disease. This amount is minuscule when compared to the \$5.5 billion spent annually by Canadians to treat the effects of this disease.

There are currently approximately 425,000 Canadians affected by Alzheimer's disease. If we divide the \$13.5 million in research funds by that number of individuals with the disease, it amounts to a mere \$32 per person.

Honourable senators, we simply have to do better.

One of the priorities of the Alzheimer Society of Canada is the development of a national Alzheimer's strategy. I would encourage our government to continue its work on this important initiative as well.

On motion of Senator Stratton, for Senator Kinsella, debate adjourned.

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENT

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of October 6, 2004, moved:

That, pursuant to rule 95(3), during the period of Friday, October 8 to Monday, October 18, 2004 inclusive, the committees of the Senate be authorized to meet even though the Senate may then be adjourned for a period exceeding a week.

Motion agreed to.

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Chaput, for the second reading of Bill S-3, to amend the Official Languages Act (promotion of English and French).—(*Honourable Senator Stratton*).

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, if I may, I should like to make a few comments which have been provided to me by Senator Comeau.

Senator Comeau supports the principles and aims of the bill. The object is to clarify the obligations of the government in regard to the Official Languages Act. He feels it is, therefore, appropriate, as we do, that the bill should be referred to a committee for detailed study.

• (1600)

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Gauthier, seconded by the Honourable Senator Chaput, that this bill be read a second time now.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when will this bill be read the third time?

On motion of Senator Gauthier, bill referred to the Standing Senate Committee on Official Languages.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON STATE OF HEALTH CARE SYSTEM

Hon. Michael Kirby, pursuant to notice of October 6, 2004, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on issues arising from, and developments since, the tabling of its final report on the state of the health care system in Canada in October 2002. In particular, the Committee shall be authorized to examine issues concerning mental health and mental illness;

That the papers and evidence received and taken by the Committee on the study of mental health and mental illness in Canada in the Thirty-seventh Parliament be referred to the Committee, and

That the Committee submit its final report no later than December 16, 2005 and that the Committee retain all powers necessary to publicize the findings of the Committee until March 31, 2006.

Motion agreed to.

ADJOURNMENT

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 19, 2004, at 2 p.m.

Motion agreed to.

Hon. Bill Rompkey (Deputy Leader of the Government):
Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

The Senate adjourned until Tuesday, October 19, 2004, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)
(1st Session, 38th Parliament)

Thursday, October 7, 2004

(* Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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SENATE PUBLIC BILLS

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S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06							
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages					
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07							
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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CANADA

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OFFICIAL REPORT
(HANSARD)

Tuesday, October 19, 2004

—
THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Tuesday, October 19, 2004

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in our gallery of a delegation led by His Excellency Longin Pastusiak, Marshall of the Senate of the Republic of Poland. He is accompanied by Anna Pastusiak, and his Senate colleagues, Krystyna Helena Sienkiewicz, Janusz Stefan Bielawski, Józef Sztorc and Krzysztof Szydłowski, all members of the Senate of Poland. We welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

PRINCE EDWARD ISLAND COUNCIL OF THE DISABLED

THIRTIETH ANNIVERSARY

Hon. Catherine S. Callbeck: Honourable senators, it has been said that the measure of the compassion of a society is the degree to which it fosters a climate in which all members of that society have equal opportunities. Today I want to recognize the thirtieth anniversary of an organization that has committed itself to the pursuit of that goal.

The Prince Edward Island Council of the Disabled was established 30 years ago to advocate for the rights of all disabled people in the province. It brought together representatives of a number of disability organizations to speak with one voice.

It has worked hard to improve housing, transportation, support services and programs, education and employment for disabled people. Over the past 30 years, it has been guided by the fundamental belief that all people, regardless of their abilities or disabilities, have the right to fully participate in the social and economic life of their society.

I was the provincial minister of social services when the council was established and was strongly supportive of its mandate and its goals. Over the years, I have observed, with pride, the achievements it has made and the difference it has helped to make in the lives of those with disabilities. It is through the work of organizations such as the Council of the Disabled that barriers are coming down. All of us have a responsibility to help make that happen.

I want to congratulate the Council of the Disabled on its thirtieth anniversary and wish it every success in meeting the challenges of the future.

MR. WILL SENDER

CONGRATULATIONS ON NOMINATION TO CANADIAN PROFESSIONAL RODEO HALL OF FAME

Hon. Gerry St. Germain: Honourable senators, I rise to pay tribute to an outstanding gentleman who has recently been recognized and will soon be inducted into the Canadian Professional Rodeo Hall of Fame. Mr. Will Senger will be the first British Columbian in recent memory to be distinguished with such an honour.

Originally from Rutland, B.C., Will Senger was born during the Depression and grew up around horses. As a youngster, he was a stable hand and soon began riding horses, but it was not long before he started competing in rodeo events such as bareback riding and steer wrestling. In 1961, Will became a director with the Cloverdale Rodeo and Exhibition Association.

For more than four decades, Will has volunteered his time to running a world-class event, establishing one of pro rodeo's richest purses and bringing professional rodeo to thousands of fans each year in British Columbia and around the country.

Will has been an organizer and founder of several events and organizations in the Fraser Valley — Little Britches Rodeos for young people and the B.C. Quarter Horse Association — and has served as a director of the Pacific National Exhibition.

In 1983, Will Senger was honoured by the Fraser Valley Exhibition Association. In 1986, his peers in professional rodeo voted Mr. Senger the Committee Man of the Year, and in 1992 the Governor General's Medal was presented to Will for his dedication to rodeo in Canada.

Over the years, and under Will's leadership and hard work as a director, chairman and volunteer with the Cloverdale Rodeo and Exhibition Association, the Cloverdale Rodeo now consistently gets over 450 rodeo contestants from across North America and Australia. This annual cultural event celebrating our Canadian country heritage and western tradition now offers six rodeo performances and attracts over 81,000 visitors during the four-day event on the May long weekend.

Will's contribution to rodeo serves as a testimonial to the fact that the Cloverdale Rodeo is ranked as one of the top four pro rodeos in Canada and one of the top 30 pro rodeos in North America.

Cowboys and cowgirls throughout Canada will always recognize Will's booming voice and warm handshake wherever he goes.

The Canadian Professional Rodeo Hall of Fame is recognizing Will's vast contributions to rodeo by inducting him into the "builder category" at the 2004 Pro Rodeo Hall of Fame induction banquet on October 30, 2004, in Calgary, Alberta.

Honourable senators, I know Will Senger; I know what he has contributed to our community. He brings great honour to British Columbia and to Canada.

CHILD ABUSE

Hon. Sharon Carstairs: Honourable senators, newspaper headlines can be shocking; in fact, they are often meant to be. However, none are more shocking to me than those that tell the story of abuse. Consider these stories pulled at random from newspapers across the country in the past 15 years:

From *The Globe and Mail*: "Couple imprisoned for death of child: Three year old was starved, beaten, bitten, then dies after being punched in stomach"; and, "Couple enter guilty plea in death of nephew, 2, from brain injury."

From the *Toronto Star*: "Dad who beat girl to death jailed 5 years: something went horribly wrong during spanking"; and, "Mother of dead infant admits to severe beatings"; and, "Juror weeps at details of tot's shocking abuse"; and, "Father jailed 15 years: Wife gets five years for her part in baby Paolo's 'horrible' murder."

From the *Ottawa Citizen*: "Man charged in baby's death."

From the *Winnipeg Free Press*: "Tot dies after beating: Police say little girl suffered for two days before ambulance called."

• (1410)

This week marks the ninth year for the YWCA Week Without Violence campaign. The YWCA Week Without Violence challenges Canadians to imagine their life without violence by engaging communities in a variety of activities and dialogues around violence and its prevention.

Honourable senators, this week, I challenge you to imagine what life would be like without the shocking headlines telling the stories of the physical abuse of children.

AUTISM AWARENESS MONTH

Hon. Donald H. Oliver: Honourable senators, as you know, October is Autism Awareness Month. Autism is a complex brain disorder that affects approximately two out of every 1,000 births in Canada. It afflicts thousands of Canadians every year, irrespective of race, ethnicity or social background. I call the attention of honourable senators to this frightening disease because the causes of autism are still largely unknown.

Autism causes impairment to three major areas of development — that is, verbal communication, social interaction and physical behaviour — but no one child with autism behaves like another child with the same diagnosis. Each case is unique because autism is a spectrum disorder, meaning that it is defined by a wide variety of characteristics ranging from mild to severe.

Twenty years ago, the Autism Society of Canada estimated that one child out of every 10,000 was afflicted with autism. A few years ago, the society estimated that the proportion of children with autism was one out of every 1,000. The Autism Society of Canada now fears that these numbers have become worse. Reported cases have risen by 150 per cent in the last six years. Doctors now estimate that as many as one in every 200 Canadian children has a form of autism.

Honourable senators will recall that on October 23, 2001, I called your attention to the formation of the first ever Canadian research chair for the study of autism at Dalhousie University, in Halifax. This is believed to be the first program of its kind in North America. The \$1 million chair began with an extremely generous donation from Jack and Joan Craig of Halifax. Since then, the Craigs have continued their commitment to autism research.

In 2002, the Craig Foundation founded the Provincial Autism Centre in Halifax. The centre is a non-profit association that helps Nova Scotians afflicted with autism and provides support to parents coping with the difficulties of raising an autistic child.

Honourable senators, doctors once believed that autism was a life sentence. Thanks to the commitment and vision of people like the Craigs, there has been improvement in the lives of thousands of Canadians afflicted with this disease. It is estimated by researchers at the Provincial Autism Centre that with the proper treatment and intervention, noticeable improvements can be seen in nearly 90 per cent of all autism sufferers.

In conclusion, on October 6, 2004, in reply to the Speech from the Throne, the Honourable Senator Munson addressed the importance of treating autism before the symptoms become permanent. I agree with Senator Munson that autism is indeed a growing problem in this country and that we need leadership and vision from our government in order to combat it.

Honourable senators, I need your help to raise awareness about this frightening disease.

INTERNATIONAL TRADE

ALBERTA—BOVINE SPONGIFORM ENCEPHALOPATHY— PETITION TO OPEN UNITED STATES BORDER

Hon. Terry Mercer: Honourable senators, it is my pleasure to rise today to inform you that on Thursday, October 14, 2004, I accepted a letter from Alex Baum and Dan Kroffat as a representation of the 114,483 signatures that were collected on a petition entitled "Open the Border."

My Conservative colleague from the other place, Myron Thompson, was also on hand to accept the petition. The BSE crisis is shared by all people and all political parties. I believe that bipartisan spirit was present last Thursday.

When I first spoke to Dan and Alex about their petition, I was impressed by their concern for the cattle industry and their dedication to the success of this petition. Their effort to promote awareness of the crisis facing the cattle industry has been quite successful, and they are not even ranchers or farmers.

The petition represents the concerns of all Canadians from coast to coast. The overwhelming support that Canadians have shown the cattle industry is important to the farmers and all stakeholders in the industry. Even hundreds of our American friends across the border have also signed the petition to show their support for this industry.

This petition comes at a crossroads. Opening the border to Canadian beef needs to be done, should be done and will be done with the support of all Canadians. The government needs to hear from all sides that opening the border should be at the top of its list of priorities. Through this petition, Canadians have spoken clearly, saying to the government: The industry supports you, but you can do more.

I believe the impact of this petition will be a huge success in showing not only Canadians, but also Americans that we believe in our cattle industry, its safety and its people.

Honourable senators, I applaud the efforts of Alex Baum, Dan Kroffat and all Canadians as we work together to reach our goal of an open border.

JUSTICE

YOUTH CRIMINAL JUSTICE ACT—COMPATIBILITY WITH CHARTER OF RIGHTS AND FREEDOMS

Hon. Serge Joyal: Honourable senators, two years ago, the Senate studied Bill C-7, the Youth Criminal Justice Act, for four months.

[Translation]

These debates were difficult ones and created tensions among the senators.

[English]

The Senate was presented with key amendments to the bill, many of which were defeated and only one of which was finally adopted with a single vote majority. The bill was then sent back to the House of Commons where that single amendment was accepted. The amendment dealt with special sentencing dealing specifically with the convictions of young Aboriginals, who comprise 60 to 80 per cent of Canadian youth involved with the justice system.

Among the amendments defeated in the Senate were some related to the interpretation of the Canadian Charter of Rights and Freedoms. These amendments were based essentially on the concept that youth cannot be assimilated with adults in the context of criminal trials and sentencing. In other words, a young offender cannot be given an adult sentence when he or she does not have the same legal and psychological capacity as an adult. That was one of the key objections raised against the legal philosophy embodied in some provisions of Bill C-7.

Yesterday, a judge from the Provincial Court of British Columbia ruled that two sections of the Youth Criminal Justice Act are unconstitutional because they violate Charter of Rights guarantees against age discrimination.

The two sections of the act that were struck down require violent young offenders to serve custodial sentences when an adult could merely serve house arrest for the same crime. The judge concluded that the act

promotes the view that the young person is less worthy of recognition as a member of Canadian society.

That ruling does not bind other lower court judges; however, it may have what we call in legal language a "persuasive impact" upon them. I remind honourable senators that five judges of the Court of Appeal of Quebec have also concluded in their ruling on the same act on March 31, 2003, that two series of provisions of the act were contrary to section 7 of the Charter.

Our chamber has an important constitutional duty to revise legislation coming from the other place within the context of the Charter and to amend those bills when there are clauses that violate Charter provisions.

Following those two court decisions, should the Standing Senate Committee on Legal and Constitutional Affairs have a further sober look at that act and its Charter implications? The decision rendered yesterday by a British Columbia judge reminds us that our chamber should live up to the values and standards enshrined in the Charter of Rights and Freedoms.

CANADA'S CITIZENSHIP WEEK

Hon. Consiglio Di Nino: Honourable senators, to celebrate Canada's Citizenship Week, I would like once again to express my gratitude and heartfelt thanks to Canada and Canadians for opening the doors for my family and me, as well as for millions of others who, for various reasons, chose Canada to start a new life.

For my parents, it was a search for a place to bring up their only child, a search for peace after decades of devastation caused by unending wars in Europe.

When I arrived in Canada in 1951 at Pier 21 in Halifax, I was a 13-year old boy scarred and forever changed by the horrific tragedies I witnessed during World War II.

Honourable senators, I wish I could tell you that all Canadians were hospitable and welcoming, but that would be a lie. In 1951, a few years after the war, emotions were still high. My country of birth had been the enemy. Thousands of Canadians had died in its lands, and their mothers, fathers, siblings, sons, daughters and friends were not in a forgiving mood — and, frankly, I do not blame them. Thankfully, though, most Canadians were understanding and quite fair.

The early years were tough, but generally as we got to know each other things improved rapidly. Through hard work and perseverance, most of us who came from other places have succeeded and prospered in all areas of endeavour and have contributed to making Canada a more tolerant country and a better place to raise our families.

Canada's Citizenship Week provides us with the opportunity to reflect on the value and benefit we all derive from the contribution of every Canadian who works toward the public good — some more than others, but the vast majority add value and we should recognize and celebrate this.

As a country of immigrants, Canada's Citizenship Week also provides us with an opportunity to encourage men, women and children from every corner of the world who are looking for a better place to make their new lives to choose Canada.

• (1420)

We need to better address the concerns of new Canadians, to convince them that Canada is still the land where peace, tolerance, opportunity and welcome awaits them, for when they come, in all their diversity, all of Canada and, indeed, all Canadians benefit.

As for me, I am one of the luckiest ones. I am proud of my citizenship. I will be forever grateful to my mother and father for having chosen Canada, and I am very thankful to the thousands of Canadians who have, over the years, extended a hand in friendship and have helped me achieve my goals.

ROUTINE PROCEEDINGS

THE ESTIMATES, 2004-05

TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2004-05 Estimates, Parts I and II, the government's expenditure plan and Main Estimates, as well as Part III, reports on plans and priorities for every department in the Government of Canada.

[Translation]

OFFICIAL LANGUAGES COMMISSIONER

ANNUAL REPORT 2003-04 TABLED

The Hon. the Acting Speaker: Honourable senators, I have the honour to table, pursuant to section 66 of the Official Languages Act, the annual report of the Office of the Commissioner of Official Languages for 2003-04.

OFFICIAL LANGUAGES

REPORT PURSUANT TO RULE 104 TABLED

Hon. Eymard G. Corbin: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Official Languages concerning the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 51.)

[Senator Di Nino]

[English]

NATIONAL SECURITY AND DEFENCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Colin Kenny: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on National Security and Defence, which outlines the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 51.)

ABORIGINAL PEOPLES

REPORT PURSUANT TO RULE 104 TABLED

Hon. Nick G. Sibbeston: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Aboriginal Peoples, which deals with the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 52.)

THE ESTIMATES, 2004-05

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY MAIN ESTIMATES

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Wednesday, October 20, 2004, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2005, with the exemption of Parliament Vote 10; and

That the papers and evidence received and taken on the subject during the Third Session of the Thirty-seventh Parliament be referred to the Committee.

NOTICE OF MOTION TO REFER VOTE 10 TO THE STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Wednesday, October 20, 2004, I will move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 2005;

That the papers and evidence received and taken on the subject during the Third Session of the Thirty-seventh Parliament be referred to the Committee; and

That a message be sent to the House of Commons to acquaint the House accordingly.

FEDERAL LAW— CIVIL LAW HARMONIZATION BILL, NO. 2

FIRST READING

Hon. Bill Rompkey (Deputy Leader of the Government) presented Bill S-10, to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Jean Lapointe presented Bill S-11 to amend the Criminal Code (lottery schemes).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Lapointe, bill placed on the Orders of the Day for second reading at the sitting two days hence.

[English]

PERSONAL WATERCRAFT BILL

FIRST READING

Hon. Mira Spivak presented Bill S-12, concerning personal watercraft in navigable waters.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Spivak, bill placed on the Orders of the Day for second reading two days hence.

CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

BILL TO AMEND—FIRST READING

Hon. Donald H. Oliver presented Bill S-13, to amend the Constitution Act, 1867, and the Parliament of Canada Act (Speakership of the Senate).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Oliver, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

THIRTIETH ANNUAL SESSION, JULY 4-7, 2004— REPORT TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian branch of the Assemblée parlementaire de la Francophonie, which attended the thirtieth annual session held in Charlottetown, Prince Edward Island, from July 4 to 7, 2004.

MEETING OF COMMITTEE ON CO-OPERATION AND DEVELOPMENT, MAY 24-27, 2004—REPORT TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the parliamentary delegation of the Canadian branch of the Assemblée parlementaire de la Francophonie, which attended the meeting of the Co-operation and Development Committee of the APF held in Marrakesh, Morocco, from May 24 to 27, 2004.

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Eymard G. Corbin: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Official Languages have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

• (1430)

[English]

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Nick G. Sibbeston: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Aboriginal Peoples have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Nick G. Sibbeston: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Aboriginal Peoples be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Banking, Trade and Commerce have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on National Security and Defence have power to engage the services of

such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY NATIONAL SECURITY POLICY

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the national security policy of Canada. In particular, the Committee shall be authorized to examine:

- (a) the capability of the Department of National Defence to defend and protect the interests, people and territory of Canada and its ability to respond to and prevent a national emergency or attack, and the capability of the Department of Public Safety and Emergency Preparedness to carry out its mandate;
- (b) the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyze and disseminate information and how these functions might be enhanced;
- (c) the mechanisms to review the performance and activities of the various agencies involved in intelligence gathering; and
- (d) the security of our borders and critical infrastructure.

That the papers and evidence received and taken during the Thirty-seventh Parliament be referred to the Committee;

That the Committee report to the Senate no later than March 31, 2006 and that the Committee retain all powers necessary to publicize the findings of the Committee until May 31, 2006.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on National Security and Defence be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

THE HONOURABLE JEAN-ROBERT GAUTHIER

CONTRIBUTION TO CANADA—NOTICE OF INQUIRY

Hon. Sharon Carstairs: Honourable senators, I give notice that on Thursday, October 21, 2004:

I will call the attention of the Senate to the contributions to our country, to the francophone population outside Quebec, to the citizens of Ottawa and particularly of Vanier and to those suffering from disabilities by the Honourable Jean-Robert Gauthier, Senator.

ASSASSINATION OF LORD MOYNE AND HIS CONTRIBUTIONS TO BRITISH WEST INDIES

NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to rule 56(1), (2) and 57(2) of the *Rules of the Senate*, I give notice that I will call the attention of the Senate to:

- a) November 6, 2004, the sixtieth anniversary of the assassination of Walter Edward Guinness, Lord Moyne, British Minister Resident in the Middle East, whose responsibilities included Palestine, and to his accomplished and outstanding life, ended at age 64 by Jewish terrorist action in Cairo, Egypt; and
- b) to Lord Moyne's assassins Eliahu Bet-Tsouri, age 22, and Eliahu Hakim, age 17, of the Jewish extremist Stern Gang LEHI, the *Lohamei Herut Israel*, English translation, the Fighters for the Freedom of Israel, who on November 6, 1944 shot him point blank, inflicting mortal wounds which caused his death hours later as King Farouk's personal physicians tried to save his life; and
- c) to the 1945 trial, conviction and death sentences of Eliahu Bet-Tsouri and Eliahu Hakim, and their execution by hanging at Cairo's Bab-al-Khalk prison on March 23, 1945; and
- d) to the 1975 exchange of prisoners between Israel and Egypt, being the exchange of 20 Egyptian prisoners for the remains of the young assassins Bet-Tsouri and Hakim, and to their state funeral with full military honours and their reburial on Jerusalem's Mount Herzl, the Israeli cemetery reserved for heroes and eminent persons, which state funeral featured Israel's Prime Minister Rabin and Knesset Member Yitzhak Shamir, who gave the eulogy; and
- e) to Yitzhak Shamir, born Yitzhak Yezernitsky in Russian Poland in 1915, and in 1935 emigrated to Palestine, later becoming Israel's Foreign Minister, 1980-1986, and Prime Minister 1983-1984 and again 1986-1992, who as the operations chief for the Stern Gang LEHI, had ordered and planned Lord Moyne's assassination; and
- f) to Britain's diplomatic objections to the high recognition accorded by Israel to Lord Moyne's assassins, which objection, conveyed by British Ambassador to Israel, Sir Bernard Ledwidge, stated that Britain "very much regretted that an act of terrorism should be honoured in this way," and Israel's rejection of Britain's representations, and Israel's characterization of the terrorist assassins as "heroic freedom fighters"; and
- g) to my recollections, as a child in Barbados, of Lord Moyne's great contribution to the British West Indies, particularly as Chair of the West India Royal Commission, 1938-39, known as the Moyne Commission, and its celebrated 1945 Moyne Report,

which pointed the way towards universal suffrage, representative and responsible government in the British West Indies, and also to the deep esteem accorded to Lord Moyne in the British Caribbean.

QUESTION PERIOD

JUSTICE

LISTING OF AL-TAWHID WAL JIHAD AS TERRORIST ORGANIZATION

Hon. J. Michael Forrestall: Honourable senators, today, I wish to extend congratulations to the Speaker and to the officers of the house on this first occasion I have had to be back among you. I wish them well in their endeavours and promise them my support.

Honourable senators, my question is for the Leader of the Government in the Senate.

The Al-Tawhid Wal Jihad group has issued a statement that it is now joining al-Qaeda. Its leader, Abu Musab Zarqawi, as is widely known, is a follower of Osama bin Laden, and was al-Qaeda's chemical and biological weapons expert. That organization has killed in excess of 1,000 people, most of whom are Iraqi citizens. The same group has barbarically beheaded a number of people.

When will the government take the occasion to list this group under Part II.1 of the Criminal Code of Canada as a terrorist organization?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I will take it as notice and endeavour to reply very quickly.

Senator Forrestall: Honourable senators, this has been going on for a long time and it is a little alarming to note that the government has not advised themselves of the seriousness and taken action.

• (1440)

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— ACQUISITION PROCESS—INFLUENCE OF LITIGATION

Hon. J. Michael Forrestall: Honourable senators, why is it that the government seems prepared to move forward with the contract to replace the Sea King without waiting for a decision to be rendered by the Federal Court in the matter of Westland versus the government? Can the Leader of the Government give us some indication of the government's policy with respect to these matters? There is a certain urgency and government expediency that might elevate it into that category, but I do not see any reason for this. The helicopter matter is old now. Why go ahead when the matter is before the courts and before a decision is taken?

Hon. Jack Austin (Leader of the Government): Honourable senators, if I may add to the answer I gave to Senator Forrestall's first question, I wish to be advised when the group that he referred to was first organized and became known as a distinct group, following which I will be able to respond. I will try to do so quickly.

On the second question, the government has made its decision with respect to the acquisition of helicopters to replace the Sea King. Litigation has been commenced, as Senator Forrestall has said. I am sure my honourable friend recognizes that if the litigation is successful the government may be responsible for damages — that is, cash — to compensate. The government has made a decision to put new helicopters in place as soon as it can be done, and I am sure that Senator Forrestall wishes to see such a conclusion.

OFFICE OF INDIAN RESIDENTIAL SCHOOLS RESOLUTION

ALTERNATIVE DISPUTE RESOLUTION PROCESS

Hon. Donald H. Oliver: Honourable senators, my question relates to the federal government's alternative dispute resolution process. ADR, which was set up to accelerate the settlement of abuse cases involving Indian residential schools, has not worked well at all. Administrative costs are now reportedly over \$18,000 per case. It appears that former students are reluctant to use the new compensation process, as only 800 of the approximately 12,000 claimants have applied for arbitration, with less than 200 cases having been settled. What is the federal government doing to fix the many problems related to the alternative dispute resolution process?

Hon. Jack Austin (Leader of the Government): Honourable senators, without accepting any of the arguments that Senator Oliver has placed in his question, and without accepting that a full answer can be given to a general question during Question Period, I will take the question as notice and provide him with an answer when it is available to me.

Senator Oliver: Honourable senators, since May of this year, the federal government has provided advisers to assist those making claims for compensation with the extensive paperwork they must complete. The neutrality of these advisers, as is well known, has been questioned, as their salaries are paid by the federal government. Is the government concerned that the apparent lack of independence of these advisers may open up any of these settlements to legal challenges at a later date?

Senator Austin: Honourable senators, again the question is quite argumentative and does not seek facts alone, which is the purpose of Question Period. In due course I will endeavour to provide, without counter-argumentation, a statement with respect to a response to the extent that it is available.

HEALTH

MONITORING OF FLU VACCINE SUPPLY

Hon. Wilbert J. Keon: Honourable senators, I have a question about the shortage of flu vaccine in the U.S. There have been

media reports lately of Americans coming across the border to receive their annual flu shots due to a severe shortage of vaccine in the United States this year. While the provinces of Alberta and Ontario have instructed physicians not to administer free flu shots to Americans, other parts of the country have indicated an increase in the number of Americans receiving flu shots in Canada. Could the Leader of the Government tell us if Health Canada will work with the provinces to monitor the flu vaccine supply to ensure that there is enough to administer to the Canadian population?

Hon. Jack Austin (Leader of the Government): Honourable senators, the Minister of Health has already said publicly that he and provincial health ministers are watching carefully and believe at the moment there is an adequate supply for Canadians. Indeed, an additional reserve may be made available to the United States should an agreement to that effect be achieved. The key policy point for the federal government and the provinces is security and adequacy of supply for Canadians.

This issue reminds me of my honourable friend's question on February 17 of this year when he talked about the risks of single-source suppliers of vaccine, and we have now seen a problem emerge in the United States. They had multiple sources of supply, but even with that, their major supplier, a British firm owned by a U.S. firm, experienced contamination, and the Americans are now in some difficulty to cover vulnerable people in the United States.

I am pleased to acknowledge that the honourable senator's question gave rise to an alert in Canada with respect to the adequacy of supply, including the distribution from sources. We obtain our supplies of flu vaccine from two major and quite different sources.

Senator Keon: I thank the leader for that answer. I suspect that Americans will be purchasing some vaccine from Canada, which is a good thing. Indeed, I would hope to see our production of vaccine in Canada come from multiple centres.

How will Health Canada estimate the reserves we need to keep? Has any thought been given to that question?

Senator Austin: Honourable senators, the usage of flu vaccine last year and in previous years has been calculated, and I understand that Canadian demand is estimated to be at about 10 million vaccinations. I am advised that at the moment supply exceeds that figure by 2 million to 3 million additional vaccinations. Certainly if we can help people in the United States, we would want to do so out of humanitarian considerations alone.

The question of securing and making supplies adequate is a question for the provinces. They control the actual use of the flu vaccine. At the moment there is a continuous dialogue, and we will see whether the United States wishes to acquire surplus vaccine. Indeed, the British Columbia manufacturer believes they have in hand many more units of vaccine than are required in Canada.

FOREIGN AFFAIRS

SUDAN—CONFLICT IN DARFUR—EFFORTS OF GOVERNMENT—INCLUSION OF OPPOSITION

Hon. Gerry St. Germain: Honourable senators, the UN now places at approximately 70,000 the number of dead in the conflict in Darfur. This is an increase of 20,000 since the Prime Minister gave his speech to the UN in September on the need for rapid humanitarian intervention in cases like Darfur.

• (1450)

The Prime Minister talks of thousands of people dying, but when will the government live up to the words of the Prime Minister and do something about the situation in Sudan before the death toll increases; or is this just talk and no action? There has been a litany of similar situations, such as in Rwanda and Biafra, where the UN failed miserably. Will the leader indicate to the house what the government is actually doing? When I refer to numbers as high as 70,000 and 20,000, it tears at my heart because the numbers are most likely higher. When one person dies in Canada, everyone panics, but thousands have died in Africa and we simply sit back on our lofty purchase. Are they children of a lesser God? The way this tragedy is being handled is truly a travesty of mankind.

Hon. Jack Austin (Leader of the Government): Honourable senators, I commend Senator St. Germain's humanitarian instincts and convictions. He can be proud of the steps that Canada has taken with respect to Darfur. The honourable senator is likely familiar with the Prime Minister's comments to the United Nations General Assembly in which he spoke to the importance of intervention when governments fail to protect the safety and security of their own populations. The Prime Minister advocates a doctrine that adds to the world of global responsibility. The classic doctrine of national sovereignty and the right of a state to shield what goes on within its national borders against all scrutiny and judgment is now giving way. The Prime Minister is a leader in advocating new standards. In Hungary last week, the Prime Minister obtained the endorsement of 11 state leaders with respect to the issue he currently advocates that entitles nations to take action through the United Nations.

The government has led the way in funding the African Union, which is the body designated by the United Nations to deal on the ground with the security of the Darfur population. We have supplied military equipment and cash. I do not think any other country has been more active in this area or has put more money behind the nations of the African Union, who have placed 6,000 or 7,000 troops in the Darfur region. As well, Canada is extremely active in assisting volunteer organizations in the Darfur region.

A lengthy article in last Sunday's *New York Times* magazine dissects the origins of the situation in Sudan. The honourable senator might find it interesting.

Senator St. Germain: Honourable senators, I thank the leader for his response. I have not read that article, but we can dissect all the articles we want to dissect. When Roméo Dallaire was in Rwanda, he did not dissect anything. We should have intervened and he should have received UN support. The UN has failed

dismally. I believe that going through the UN is asking for continued failure. NATO initiated action in Serbia where there was persecution and mass execution. The situation is such that if we continue to rely on the UN and if we do not take extraordinary steps, then we will have a repeat of the past. We are seeing it now with 70,000 deaths in Darfur. I commend the government if it is indeed taking action; but it is not enough. Sometimes one has to take action over and above. President George W. Bush did what he did in Iraq because he could not rely on the UN to take action. Why do we rely on an organization that has failed the continent of Africa time after time? How many times does this have to occur? It is an honourable thing to address the UN and dissect the problem backward, forward and sideways; but action is required to help these people. Imagine our families starving and dying like their families are doing. What are we doing? We are talking and we have sent some assistance, but we are not solving the problem as thousands continue to die.

I understand that the government has begun its training of African Union troops. Has it begun the training program to assist in this situation? What more could be done? Should we participate in a joint, non-partisan effort to bring the situation to the world stage in a quicker, more dramatic manner?

Do honourable senators remember Stanley Burke? He quit his job at CBC because he saw such a need in Biafra, which led to dramatic action in Biafra. Perhaps something similar to that can be done now.

Senator Austin: Honourable senators, again I commend Senator St. Germain for his concern. The government took early action to place a key observer with the right qualifications on the ground in Sudan. I am speaking about Senator Jaffer who was almost the first, if not the first, non-African to go to Sudan to engage in fact-finding. She remains highly active in this endeavour and plays a key role in advising the Canadian government and international organizations in respect of what could be done in Sudan.

It is an unfortunate fact that Canada cannot be effective acting on its own in these issues; we have to act in concert with others. Bearing in mind many of the issues that Senator St. Germain has mentioned, the United Nations took relatively quick action in the case of Darfur when it recruited the African Union to act as an international presence in the Darfur region to restrain action against innocent citizens and to provide security in refugee camps in Chad and along the border. They have been effective in providing additional security.

The United Nations has mobilized programs to provide food aid, water and medical care. Countless tens of thousands of lives have been saved by these actions. Thankfully, the situation is not the same as it was in Rwanda, but it is still a human tragedy. Canada is endeavouring to help create a new sense of legal responsibility for such situations and to supply people and material to alleviate the situation. Certainly more needs to be done.

I recognize what lies behind Senator St. Germain's impatience. The international community is learning how to handle such issues through concerted action. Canada acting against the views and opinions of African nations would not enhance anyone's security but would likely endanger Canadians.

Senator St. Germain: Senator Jaffer is credible and understands Africa, from which she immigrated to Canada. However, why is it that the government does not include the opposition when it undertakes to send a special envoy in such situations, whether sending someone to the Olympics or to a country such as Sudan? It is perceived as a partisan action rather than as a joint effort of the Senate.

• (1500)

Some members on this side have great credentials on human rights and related matters. Why would both sides of this establishment not be included in works of this nature so that we can work as a unified force and have a unified voice in the world?

Senator Tkachuk: That might be a little argumentative.

Senator Austin: Again, that is an interesting idea, and one that should be given further study.

We have a Westminster model, one in which the system encourages the opposition to criticize the government and endeavour to replace it. The government side is very eager to prove that it is carrying out its responsibilities effectively and ought not to be replaced.

Apart from that general lecture, the honourable senator will recall that Senator Jaffer, as he said, has a special background, and I believe she was chosen more for her background than for her partisanship. The honourable senator may recall also that Senator Lois Wilson, an independent senator, was asked by the government to play an important role in the situations in both the Korean peninsula and in the Sudan, and she did so very effectively. She was not chosen for partisan reasons but because she had a special access to the people and issues of the time.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government)
Honourable senators, I have the honour to table a delayed answer to the question raised by Senator St. Germain on October 6, 2004, regarding bovine spongiform encephalopathy and aid to the cattle industry.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO CATTLE INDUSTRY

(Response to question raised by Hon. Gerry St. Germain on October 6, 2004)

The Honourable Senator suggests that the Government in some way has brought into question the integrity of the Canadian Federation of Agriculture. Nothing could be further from the truth. The Government fully recognizes the CFA's unwavering commitment to representing the interests of its members. In fact, Bob Friesen, President of the

Canadian Federation of Agriculture, made the September 10th repositioning the industry announcement with Minister Mitchell in Winnipeg to express the CFA's support for the plan.

As the Honourable Senator indicated, the CFA proposed government assistance to address reduced producer income and the current oversupply of animals in the Canadian herd. The Government agrees that these issues are important, and the Industry repositioning package announced on September 10 contains program elements designed specifically to address these pressures.

Producer income is, of course, a major concern; the economic stability of producers is critical to not only the agriculture sector but also to the rural communities that depend on it. Governments have delivered a number of programs to keep the industry functioning. In March, the Transitional Industry Support Program (TISP) provided direct payments totalling \$995 million to producers to bridge the gap until CAIS (Canadian Agriculture Income Stabilization program) payments were available.

Over the summer, the federal and provincial governments, in close consultation with the cattle industry, including the Canadian Cattleman's Association and the CFA, discussed a range of options to assist the industry but ultimately agreed that CAIS is the best program available to address reduced producer income resulting from BSE. In response to the need for immediate cash flow, the package announced on September 10 provides for advance payments of the 2004 CAIS in those provinces that choose to participate.

Governments considered a range of measures, including the tax incentives proposed by the CFA, but the decision was ultimately taken to let CAIS respond to income pressures. The cash advances will allow producers to benefit from CAIS funds now. Though we may differ on the instrument used to address producer income, we share the CFA's commitment to achieving this objective.

The September 10 repositioning package includes several elements whose purpose it is to address the oversupply of animals in the Canadian herd.

A national Loan Loss Reserve, funded by the federal government, will be established to encourage lenders to extend financing to groups or individuals planning slaughter facilities.

In addition, a number of cost-shared programs were announced to address specific imbalances in supply and demand. The provinces will select the programs that address pressures facing their producers.

Set-aside programs for fed cattle and feeder cattle will hold a number of animals off the market, taking pressure off slaughter capacity and providing some buoyancy for prices. The federal government will provide 60 per cent of

projected program funds in those provinces that choose to participate. Provinces may provide some or all of their 40 per cent. The province may alternately elect to not contribute funds, but the federal portion could be offered if the province administers the program.

Another program element would be to address the oversupply of older animals in the system. It has proven difficult to get these animals to market given the abundant supply of younger animals, and the resulting lack of slaughter space for older animals that would normally be culled.

Under this program, producers will receive a payment for eligible animals, which will be humanely euthanized and disposed of in an environmentally acceptable manner. The federal government will cost share this program on a 60:40 formula with interested provinces; the program can only be offered 60:40 since costs such as trucking and disposal must be paid in full.

The Government is committed to the long term viability of the industry, and is addressing both the immediate pressures, as well as underlying structural issues facing the industry.

LIBRARY OF PARLIAMENT SCRUTINY OF REGULATIONS

MEMBERSHIP OF JOINT COMMITTEES— MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that the following message had been received from the House of Commons:

Ordered,—That the Standing Joint Committees be composed of the Members listed below:

LIBRARY OF PARLIAMENT

Members: Angus, Boulianne, Byrne, Eyking, Galant, Goldring, Kadis, Lapierre (Lévis-Bellechasse), LeBlanc, Simard, Stinson, Vellacott—(12)

Associate Members: Abbott, Ablonczy, Allison, Ambrose, Anders, Anderson (Cypress Hills-Grasslands), André, Batters, Benoit, Bezan, Breitzkreuz, Brown, Carrie, Casey, Casson, Chatters, Chong, Cummins, Day, Devolin, Doyle, Duncan, Epp, Finley, Fitzpatrick, Fletcher, Forseth, Goodyear, Gouk, Grewal (Newton-North Delta/Delta Nord), Grewal (Fleetwood-Port Kells), Guergis, Hanger, Harper, Harris, Harrison, Hearn, Hiebert, Hill, Hinton, Jaffer, Jean, Johnston, Kamp, Keddy, Kenney, Komarmicki, Kramp, Lauzon, Lukiwski, Lunn, Lunney, MacKay (Nova-Centre), MacKenzie, Mark, Menzies, Merrifield, Miller, Mills, Moore (Port Moody-Westwood-Port Coquitlam), Moore (Fundy-Royal), Nicholson, Obhrai, O'Connor, Oda, Pallister, Penson, Plamondon, Poilievre, Prentice, Preston, Rajotte, Reid, Reynolds, Richardson, Ritz, Scheer, Schellenberger, Schmidt, Skelton, Smith (Kildonan-St. Paul), Solberg, Sorenson, Stinson, Stronach, Thompson (New Brunswick-Southwest), Thompson (Wild Rose), Tilson, Toews, Trost, Tweed, Van Loan, Warawa, Watson, White, Williams, Yelich.

SCRUTINY OF REGULATIONS

Members: Anders, Bevilacqua, Bouchard, Grewal (Newton—North Delta/Delta Nord), Guay, Hanger, Kamp, Lee, Macklin, Meyers, Wappel, Wasylcia-Leis—(12)

Associate Members: Abbott, Ablonczy, Allison, Ambrose, Anderson (Cypress Hills-Grasslands), Batters, Benoit, Bezan, Breitzkreuz, Brown, Carrie, Casey, Casson, Chatters, Chong, Cummins, Day, Devolin, Doyle, Duncan, Epp, Finley, Fitzpatrick, Fletcher, Forseth, Gallant, Goldring, Goodyear, Gouk, Grewal (Fleetwood-Port Kells), Guergis, Harper, Harris, Harrison, Hearn, Hiebert, Hill, Hinton, Jaffer, Jean, Johnston, Keddy, Kenney, Komarmicki, Kramp, Laframboise, Lauzon, Lukiwski, Lunn, Lunney, MacKay (Central Nova), MacKenzie, Marceau, Mark, Ménard, Menzies, Merrifield, Miller, Mills, Moore (Port Moody-Westwood-Port Coquitlam), Moore (Fundy-Royal), Nicholson, Obhrai, O'Connor, Oda, Pallister, Penson, Poilievre, Prentice, Preston, Rajotte, Reid, Reynolds, Richardson, Ritz, Scheer, Schellenberger, Schmidt, Skelton, Smith (Kildonan-St. Paul), Solberg, Sorenson, Stinson, Stronach, Thompson (New Brunswick Southwest), Thompson (Wild Rose), Tilson, Toews, Trost, Tweed, Van Loan, Vellacott, Warawa, Watson, White, Williams, Yelich.

That a message be sent to the Senate to acquaint their Honours of the names of the Members to serve on behalf of this House on the Standing Joint Committees.

ATTEST:

WILLIAM C. CORBETT
The Clerk of the House of Commons

[English]

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Chaput, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-eighth Parliament.—(2nd day of resuming debate)

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I am pleased to rise today to offer a few brief remarks on the Speech from the Throne delivered by Her Excellency the Governor General in this chamber on October 5.

On behalf of the official opposition in the Senate, I would like to extend our best wishes as Her Excellency continues to undertake the important vice regal work during an extended mandate.

Honourable senators, I would also like to salute the Honourable Senator Lynch-Staunton —

Hon. Senators: Hear, hear!

Senator Kinsella: — who serves this chamber and all of Parliament with wisdom and care. In particular, I wish to thank Senator Lynch-Staunton for his remarkable and distinguished leadership for more than a decade as the Leader of the Opposition in the Senate. The honourable senator continues to be a role model for all who seek to meet their constitutional obligations in this upper house of Parliament. It is my good fortune to have Senator Lynch-Staunton as a colleague and a mentor. I hasten to add that any failings that I demonstrate while serving as his successor should be predicated of the apprentice and not of the master journeyman.

Senator Lynch-Staunton: Thank you.

Senator Robichaud: We will hold you to that.

Senator Kinsella: Honourable senators, it was made clear in the Speech from the Throne itself that it does not have much that is new. Indeed, it might be better titled “The Legacy of Prime Minister Jean Chrétien — a reprise,” because so much of the content could be footnoted to previous editions. Her Excellency was kind enough to say explicitly that the new parliament will be working in part from the text of the final Speech from the Throne of the last parliament. This is a rather novel departure from parliamentary traditions, as each parliament has traditionally been considered distinct from its predecessors. Some might think that the expression of the will of the Canadian people in the intervening election ought to be given more than a token nod, but this does not appear to be on the agenda of the new government.

Unfortunately, the Speech from the Throne did not even provide an indication as to which of the measures from the predecessor speech Canadians might expect will be implemented or continued, which is perhaps not surprising as the government itself seems to have little or no idea as to which of those commitments it will pursue.

Rather than trying to second guess what the government itself failed to express, I will simply note that a Speech from the Throne is often almost as interesting for what it does not say as for what it does.

For example, I was disappointed that there was no reference to the fact that, pursuant to United Nations Resolution 53/197, this coming year of 2005 has been proclaimed the International Year of Microcredit. Governments are invited to highlight and give enhanced recognition to the role of microcredit in the eradication of poverty, its contribution to social development and its positive impact on the lives of people living in poverty. This government passed up the opportunity to do so.

Microcredit in the form of credit, savings and related business services is an important element of providing access to capital for people living in extreme poverty. The program uses methodologies that promote responsibility, self-esteem and financial self-sufficiency by capturing the capacity of communities to solve their own problems. It is a key strategy in achieving many of the goals agreed upon at major global conferences over the last 10 years, particularly including eradication of poverty and empowerment of women.

This non-traditional lending strategy has effectively made commercial credit available to low-income people, which in practical terms has meant primarily women. The reality is that these individuals would not normally be eligible for loans of any kind in any amount. Microcredit programs have achieved excellent repayment rates. They play a significant role in helping low-income people to become self-sufficient while at the same time achieving development in their communities. The Speech from the Throne would have been an excellent place to at least make mention of this poverty-reduction mechanism and to affirm Canadian support for it.

This honourable house might well do a great service for the government and the people of Canada by recalling Canada's international obligation to take steps through international assistance and cooperation for the protection and promotion of economic, social and cultural rights in the world community. This government must remember that Canada did ratify the International Covenant on Economic, Social and Cultural Rights.

Honourable senators, the coming year, 2005, will also be a banner year for the provinces of Alberta and Saskatchewan, both of which will be celebrating the centenary of their entry into Canada as full-fledged provinces. In light of continuing concerns over western alienation, the government might have taken this opportunity to highlight the importance of these provinces and their contributions to the nation.

It also is with some surprise that I noted the absence of any mention of the valiant efforts of our Canadian Olympic and Paralympic athletes this year. Individual performances were admirable in both events, and there was considerable discussion after the fact relating to the nature and scope of government support for these national performers. Something more than the promise contained in the Speech from the Throne that “the Government will also work with partners to enhance sports activities at both the community and competitive levels” was in order. In saying this, we should all bear in mind that the eyes of the world will again be on Canada when the 2010 Winter Olympics are held in Vancouver. The fact that there was an announcement of additional supplemental funding for coaching less than a week after the speech suggests that there is a serious lack of coordination and planning in the government. This is not an auspicious beginning for a new government.

• (1510)

Honourable senators, during the dissolution period, a number of former parliamentarians passed away, including our former colleague in the Senate, the Honourable Jack Marshall. To his family we have already extended our sympathy.

Honourable senators, numerous questions have been raised in recent years about accountability and transparency in the Government of Canada. While these are basic requirements of a truly open government, the apparent absence of effective control mechanisms over expenditures in one form or another, ranging from payments for non-existing reports to difficulties simply tracking how taxpayers' dollars were spent, have resulted in a loss of confidence in the ability of government to manage effectively.

Restoring the trust of Canadians after many years of reports of problems will be difficult, and the Speech from the Throne does not give any indication as to what, if any, steps the government proposes to take.

One area in which the government has been particularly remiss has been in its inability to provide anything even resembling accurate forecasting of its revenues and spending. The government has a litany of excuses for the size of the error each year, but the fact is that Canadians no longer place any reliance whatsoever on the figures being mooted about. Disbelief is widely expressed from the moment the federal budget is tabled and continues right through the year up to the moment when the government finally is compelled by actual results to acknowledge that its figures were wrong. Even with the inevitable fiscal surprises during the course of a year, both unpleasant, as with BSE and SARS, and pleasant, as when economic and revenue growth appear to exceed expectations, government estimates have become notorious for being consistently inaccurate and unreliable. Protestations that the government is blending private sector forecasts and then hedging on the conservative side simply means that the likelihood of an accurate outcome is negligible. If the government expects that it will have a large surplus at the end of the year to apply to the national debt, it should simply say so. Reduction of debt surely is a legitimate goal, one which the government should not be reluctant to acknowledge.

In order to bring some rationality to the process, the government should consider setting up an independent parliamentary budget office to provide the kind of objective, timely, non-partisan analyses required for economic and budget decisions by the government, by Parliament, and even by Canadians. Key to the effectiveness of such a body would be the disclosure of assumptions and methods used, which would reinforce the notion that the information generated is both objective and impartial. Naturally, publication of an evaluation of its economic forecasting record is an essential element to ensure the openness and transparency that Canadians ought to be able to expect from their governments.

Regular updates to economic projections would also be of assistance in giving all concerned either reassurance that plans would stay on track or an opportunity to make appropriate revisions to accommodate significant variances from initial expectations.

Honourable senators, after numerous promises by the Liberal government over the last decade to produce legislation to protect whistle-blowers in the civil service, I was surprised and even disappointed to note the absence in the Speech from the Throne

of any mention of an intention to repair this continuing gap in our laws. Canada urgently needs comprehensive legislation with real teeth to ensure that those who expose corruption and wrongdoing will not face reprisal. Again, I found it curious that the government would make no mention of the issue in the Speech from the Throne, and yet introduce a bill on the subject less than a week later.

There was a time when the Speech from the Throne, honourable senators, was expected to be in the nature of a fairly comprehensive outline of the government's intentions regarding legislation in a new session, a mechanism by which to inform Canadians as to what they could expect from the government. Sadly, it would appear that this is yet another tradition that is being cast overboard.

In passing, I would note that the same arguments regarding the need for effective protection for whistle-blowers also hold for the private sector. Amendments to the Canada Labour Code might well be in order.

Also missing from the Speech from the Throne was any reference to health care for Canadians facing mental health problems. The Kirby-LeBreton Senate report of 2002 on the state of the health care system in Canada noted that, "about 3 per cent of Canadians suffer from severe and chronic mental disorders that can cause serious functional limitations and social and economic impairment, such as bipolar personality and schizophrenia." Combined with stress, depression and cognitive impairment, mental health is, honourable senators, an issue that merits serious ongoing attention.

While this is not an area that generally lends itself to the instant fix of increased funding, which seems to be the preferred approach of this government when it comes to health care, there are serious infrastructure issues in relation to mental health care that do need to be addressed. As I mentioned, our Standing Senate Committee on Social Affairs, Science and Technology has already resumed its study of mental health and mental illness. Perhaps the lack of mention of the issue in the Speech from the Throne will not be reflected by a lack of action on the part of the government in beginning to come to grips with the problems in this area that are faced by so many Canadians.

Although there was no mention of it in the Speech from the Throne, it appeared, briefly, that the government had finally recognized, after years of discussion and focused debate, that an arbitrary date does not make a satisfactory dividing line for the distribution of funding to those unfortunate Canadians who have contracted hepatitis C. This represented a significant change in policy, which one would have expected would have been included in the Speech from the Throne. Keeping in mind that the purpose of the speech is to provide Canadians and Parliament itself with an outline of government plans for a session, it was curious that significant announcements were being made so soon after its delivery, without any real indication of their priority being contained within the speech itself.

However, honourable senators, it turned out that the applause may have been premature, with the Speech from the Throne remaining mute on the matter, and with the government restoring the status quo ante by saying that it has gone back to studying the issue rather than taking action to deal with those unfortunate Canadians who were infected by tainted blood prior to 1986 or after 1990.

In another area of dashed hopes, the Speech from the Throne has again failed to come to grips with the ongoing problems faced by post-secondary education students. The Canada Learning Bond Program surely is a positive step, but it is hardly sufficient by itself. Improvements to the Canada Student Loans Program would help overcome the financial barriers students face in pursuing post-secondary education and training opportunities. A range of other measures could be implemented to ease the crunch, measures that might include a broader definition of eligible expenses, increased family income thresholds, increased Canada Education Saving Grants, a registered lifetime savings program and first-year tuition grants for students from low-income families. Honourable senators, education is a key element in maintaining the prosperity of our nation and we neglect it at our peril.

The vague reference to “options for reform of our democratic institutions” in the Speech from the Throne was also not very reassuring. After years of discussion followed by years of inaction, perhaps the government will finally come to the realization that massive changes are neither readily nor easily agreed upon. Rather than waiting for the mythical “perfect storm” to sweep in and bring everyone simultaneously to the same conclusion, the government ought to consider a process of incremental change. There are some fairly simple starting points that do not require huge leaps. Perhaps we could begin, as is being proposed by my colleague Senator Oliver, by choosing the Speaker of the Senate by election, as has been done in the House of Commons, rather than by the Prime Minister exercising prime ministerial fiat. This would barely qualify as “one small step,” but it would be indicative of an openness to actual change.

• (1520)

Equalization payments are a subject of more than passing interest to all provinces in Canada. Honourable senators will recall that the intent of the program is to enable less wealthy provinces to offer comparable levels of service at comparable levels of taxation and that the program itself is written directly into the Constitution of Canada. The extravagant claim that the government plans to implement “the most fundamental reform of the Equalization Program in its 47-year history” is one that I am sure will be viewed with some concern in many quarters. It is not clear to me what “fundamental reform” is required simply to make the total payments more stable and predictable.

It was just last spring that the Liberal government renewed the Equalization Program through to March 31, 2009, including what were touted to be improvements to the formula. Therefore, I ask if all that is now to be thrown overboard.

In this context, had the result of the election been somewhat different, the Conservative Party of Canada government would have revisited the equalization formula, moving toward a 10-province standard that excludes non-renewable resource revenues. This latter provision is one that would be particularly helpful to provinces like Saskatchewan and the Atlantic provinces. Included in this proposal would be transitional provisions to ensure that no province would receive less money under the new formula.

[Senator Kinsella]

Honourable senators, the Employment Insurance Program continues to generate large surpluses, largely because the government “temporarily” took away the independent rate-setting responsibility of the Employment Insurance Commission in 2001 and has intentionally set the rate at a level certain to collect far more than is required for the proper operation of the program. In doing so, the Liberal government has ignored the Auditor General’s advice as to an appropriate accumulated surplus. It is time that this fiscal flim-flam is brought to an end, with funds collected under this rubric being restricted to utilization for the benefit of the contributors and not for any other purpose.

Another element of the economy that, once again, received scant attention in the Speech from the Throne is the entire agricultural sector. One critical ongoing problem in this area lies in the fallout from the single case of BSE, a severe problem which has crippled the cattle industry in Canada, in the West, in Ontario, in Quebec and in Atlantic Canada. It is not good enough that there was hardly a mention of it. Indeed, BSE was mentioned only once in passing, and that was in relation to obtaining reliable access to U.S. markets. The government’s efforts to fully reopen the border to Canadian beef exports to the United States have, to date, been very unproductive, a failing of this government.

With estimates exceeding \$6 billion lost along with thousands of jobs since May 20, 2003, when the one and only case of BSE was found, one wonders what it will take to actually get serious attention from this government. The lacklustre efforts to assist and compensate cattle producers to date have been widely criticized as being half measures at best, measures that are likely to create longer term problems as they serve primarily as a means under which the debt load of farmers will be substantially increased.

Indeed, Canadian farmers in all parts of Canada face constant challenges ranging through a full gamut of problems, including increased costs of inputs, foreign subsidies, adverse weather conditions, increased debt loads and low grain prices. On top of that, the current government safety net, if one can call it that, appears to be largely ineffective and overly bureaucratic.

Symptomatic of the problem is the continuing decrease in the number of farm workers and the increased necessity for those who do make the effort to continue with their chosen career as farmers to find it necessary to obtain other jobs simply to make ends meet.

The U.S. barriers to our softwood lumber exports, honourable senators, similarly received scant attention in the Speech from the Throne. Canadian lumber firms have closed some 50 mills and laid off thousands of workers. Meanwhile, the U.S. has collected around \$3.4 billion in duties from Canadian firms. Will there be actual action on this front by this government during this session of Parliament? The vague promise that there will be “measures designed to develop a more sophisticated and informed relationship involving business and government officials in the United States” is not particularly reassuring.

Honourable senators, while the operation of our trading agreements, including both NAFTA and the World Trade Organization, should ultimately lead to a resolution of the differences, a temporary support program for workers displaced by the softwood lumber dispute would not be out of place.

Other resource-based industries have been victims of international trade disputes as well as natural disasters and epidemics. The government has been slow to respond in almost every case, and I see nothing in this Speech from the Throne to suggest that Canadians can expect better in the future. In Atlantic Canada, the fisheries have been in trouble for an extended period of time, and, as usual, the government has not even thought it worth a mention in the Speech from the Throne. A previous promise of legislation to modernize the Fisheries Act seems to have been left by the wayside.

A Conservative government would develop a fisheries managerial framework to give provinces and territories more input and control over fisheries management in their regions. The 200-mile limit would be extended to the edge of the continental shelf. Greater investment in fisheries science and in fisheries research, especially in relation to sustainable harvesting, would be high on the priority list. Increased fines for first occurrences of ocean spills together with possible seizure of both ships and cargo until fines are paid would go some way to reducing a recurring problem.

Whatever the industry, whether it be farmers, fishers or forestry workers, a Conservative government would not be hesitant to move swiftly to ensure adequate support and compensation, particularly where circumstances beyond their control require a response.

Whatever the current government may think, our traditional resource-based industries continue to have a vital role to play in the new economy. The people who work in these industries feed and house Canadians while acting as the stewards of our land and resources. Despite their importance to our economy and our collective life as a country, they continue to be given short shrift by this government.

As I review the scope of this Speech from the Throne, I see many gaps in its coverage, gaps which vary in size and importance, but gaps nevertheless that cry out for comment and constructive action by all in Parliament.

At the outset, I indicated that items which are left out or paid scant attention are often just as informative as to government intentions as the items that are specifically mentioned. I have noted just a few of them and suggest that Canadians deserve better and should demand better.

Honourable senators, one of the functions of opposition in our Parliament is to ensure that those who are neglected or ignored by the government are not, in the final result, left out at sea.

• (1530)

It remains to be seen whether or not the many gaps and oversights in this latest Speech from the Throne will end up being properly addressed by the government. While a Conservative government would have made different choices in many areas and would have offered better from the outset, the Conservative opposition will demand better on behalf of all Canadians.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Leader of the Opposition): Accordingly, honourable senators, I move, seconded by the Honourable Senator Stratton, that the following be added to the address:

and we urge Your Excellency's advisors, when implementing the details of their proposals, to review the Employment Insurance program to ensure that it remains well-suited to the needs of Canada's workforce, to reduce and improve the fairness of taxes, to be unwavering in the application of fiscal discipline, to examine the need and options for reform of our democratic institutions, including electoral reform, and to rise above partisanship to address the public interest;

That Your Excellency's advisors consider the advisability of the following:

1. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend measures that would ensure that all future uses of the Employment Insurance program would only be for the benefit of workers and not for any other purpose;

2. opportunities to further reduce the tax burden on low and modest income families consistent with the government's overall commitment to balanced budgets and sound fiscal management;

3. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to make recommendations relating to the provisions of independent fiscal forecasting advice for parliamentarians including the consideration of the recommendations of the external expert;

4. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend a process that engages citizens and parliamentarians in an examination of our electoral system with a review of all options;

5. with respect to an agreement on ballistic missile defence, the assurance that Parliament will have an opportunity to consider all public information pertaining to the agreement and to vote prior to a government decision;

And we ask Your Excellency's advisors to ensure that all measures brought forward to implement the Speech from the Throne, including those referred to above, fully respect the provinces' areas of jurisdiction and that the financial pressures some call the fiscal imbalance be alleviated.

Senator Murray: You're going to accept that of course, Senator Austin?

Senator Austin: Later, later.

Senator Murray: Let the negotiations begin.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that —

Senator Kinsella: Dispense.

The Hon. the Speaker pro tempore: Is the house ready for the question?

Senator Mercer wishes to debate the amendment and the resolution.

Hon. Terry M. Mercer: Honourable senators, I guess that would not be classified as a ringing endorsement of the Speech from the Throne.

Honourable senators, I am pleased to rise to participate in this debate.

Senator Stratton: To give a ringing endorsement.

Senator Mercer: I would like to acknowledge Senators Munson and Chaput for moving and seconding the Address in Reply to the Speech from the Throne. Before I begin, I would like to congratulate the leadership on both sides of this chamber and I look forward to working with them in this session.

In particular, I would like to acknowledge Senator Lynch-Staunton for his dedication as an outstanding Leader of the Opposition. Upon my arrival, Senator Lynch-Staunton offered his guidance. Maybe on occasion he tried to misguide me, but I will not dwell on that. I thank him.

I would like to take this opportunity to discuss a few of the points raised by Her Excellency during the speech. As a proud Atlantic Canadian, I was pleased to hear the government reiterate its commitment to our diverse region. The program presented in the Speech from the Throne is positive for all Canadians. A minority situation clearly presents challenges to the Prime Minister and the government, but the speech stands as a living document outlining the government's priorities. The speech focuses on health care, families, a new deal for cities and communities, balanced budgets and a strong growing economy.

Strengthening health care strikes a chord in the heart of every Canadian. As we have seen with the 2004 health accord, the Atlantic provinces will receive \$2.5 billion in additional funding over the next 10 years, plus their respective shares of the \$5.5 billion Wait Time Reduction Fund. This is good stuff.

In addition, discussions are underway for a version of a national pharmacare program, lowering the burden of high drug costs, especially for those Canadians with lower incomes and seniors on fixed incomes. This is a necessary move.

A healthy environment is also important. For Nova Scotia, there is a commitment of \$500 million to help clean up contaminated sites, including the Sydney tar ponds. It is time to get on with these issues. The clean up of the Sydney tar ponds needs to start now. We have had enough talking.

I met recently with Bernd Christmas, the CEO of the Membertou First Nations. The Membertou Aboriginal community is keen to play a role in the cleanup effort at the tar ponds site. What is more encouraging is that the community hopes to develop the expertise to become a leader in environmental cleanup.

I was also encouraged to see the Government of Canada offering to provide enhanced offshore revenue payments to Newfoundland and Labrador and Nova Scotia. These payments, together with existing measures under the offshore accords, will ensure that both provinces receive greater benefits from their respective offshore revenues.

At the same time, the government will remain steadfast in its commitment to sound financial management, including paying down the debt and continuing to build upon the consecutive budget surpluses.

The Speech from the Throne confirms the commitment of government to regional development and to tools such as ACOA's Atlantic Innovation Fund. I am encouraged by the focus on innovation, as I have always been a believer in the intellectual infrastructure we possess in Nova Scotia through our universities and our network of community colleges.

Last week, I had the distinct pleasure to represent Minister McGuire at the conference of Regional Economic Development Authorities in Wallace, Nova Scotia. I am proud that all three levels of government in Nova Scotia have already been working together through the Regional Economic Development Authorities. This is in the spirit of the tripartite agreements for Vancouver and Winnipeg, which were specifically mentioned in the Speech from the Throne.

Despite our collective accomplishments, we still face challenges. Rural unemployment and the continuing out-migration of our youth are critical issues in the Atlantic region. That is why we must continue to work on solutions to offer our youth viable alternatives to going down the road. The Speech from the Throne outlines a plan to ensure venture capital for early stage businesses. This is encouraging news for the growing number of young entrepreneurs in Atlantic Canada.

I would now like to turn my attention to an issue that is close to my heart, the volunteer sector. Having worked in the volunteer sector for over 25 years, I was pleased by the government's idea of a new not-for-profit corporations act to help create conditions for the success of the many not-for-profit activities that benefit our communities. While details are limited, I am encouraged by the government's attention. However, I will not support any legislation that will limit the not-for-profit sector in attaining its goals.

As incoming chair of the Association of Fundraising Professionals' Foundation for Philanthropy in Canada, I am very interested in volunteerism and the work of charities. Charities play an important role in the lives of all Canadians. Whether providing them with health care or exposing them to the arts, charities reflect the values of all Canadians.

According to a study recently published by the Muttart Foundation entitled "Talking about Charities," there are more than 80,000 registered charities in Canada, ranging from small local groups to large institutions such as hospitals and universities. Registered charities are allowed to be exempt from a variety of taxes and enable their donors to claim tax credits for donations made to these charities.

Canadians value the work of charities and feel they play an important role in society. At the same time, the public has a healthy degree of scepticism when it comes to how charities function.

• (1540)

As with the business sector, Canadians see a need for greater accountability, with a high priority on issues such as fundraising, spending practices and financial reporting. I agree. Almost 94 per cent of Canadians feel that charities are important. The same number agrees that charities improve our quality of life. In contrast, almost 85 per cent indicated that more attention should be paid to the way charities spend their money and how.

Health prevention and promotion will be the cornerstone of a healthy society to come. Therefore, the onus will be put on volunteer organizations such as the Kidney Foundation, the National Ovarian Cancer Association, the Diabetes Association and others to prevent disease and to help those suffering from disease.

Are there other Bantings and Bests out there ready to discover a cure or other major breakthrough in the treatment of diseases? Without the voluntary sector, these future leaders may not have the resources to make these discoveries.

Another study worth mentioning is the National Survey on Nonprofit and Voluntary Organizations, released in September 2004. It points out that non-profit and voluntary organizations often address the needs and interests of citizens where the government and private sector do not or cannot. Canadians have taken out a startling total of 139 million memberships in these organizations — an average of four memberships per person. Check your wallets. You may be a member of more. An estimated 161,000 non-profit and voluntary organizations operated in Canada in 2003. They include a wide variety of organizations such as sports and arts centres, hospitals and food banks, places of worship, and elementary and secondary schools.

Several themes emerge from the results of the national survey. Clearly, the story of not-for-profit and voluntary organizations is a story about how Canadians come together to build communities and to work for the benefit of the public. It is truly a story of how Canadians define themselves.

However, there are problems. A majority of organizations that participated in the study reported having problems achieving their goals. These findings suggest that many of them are struggling to provide the public with all the benefits that they have the potential to offer.

Honourable senators, not-for-profit and voluntary organizations are vehicles for citizen engagement. Collectively, these organizations draw on 2 billion volunteer hours — the equivalent of 1 million full-time jobs — and more than \$8 billion in individual donations to provide these services. These organizations have a substantial economic presence, with revenues totalling \$112 billion. The report, "Taking the Accord Forward," released by the Voluntary Sector Initiative also tells us that there is over \$109 billion in assets.

I ask you, honourable senators, how would we replace such an industry in Canada? Would it be possible?

Finally, I wish to draw your attention to National Philanthropy Day, November 15. We define philanthropy as the love of mankind. Philanthropy is people helping people because it is the right thing to do, not because it is a requirement. Charitable giving benefits everyone.

Last year, hundreds of charities and over 40,000 people across North America participated in ceremonies on November 15, honouring donors, large and small, volunteers, professionals and innovators in the charity field. National Philanthropy Day is the opportunity for all Canadians to recognize that, when we choose to offer and give our time, our nation becomes better. As a society we become more united. We become a community.

This day is becoming a huge success. In fact, the *National Post* created a special supplement last year entitled, "National Philanthropy Day," and has committed to produce it for the next five years.

I am also pleased to inform honourable senators that they will receive copies of *Advancing Philanthropy*, a bimonthly magazine highlighting the volunteer sector, and I encourage you to read it and discover the many faces of this diverse community.

I regret to inform honourable senators, however, that we have not been successful in having the federal government officially recognize this day. Through the efforts of my organization, the Association of Fundraising Professionals, and others, we are urging the federal government to have it recognized, not just for those who raise money or volunteer, but for all of those who benefit from the efforts.

In conclusion, I applaud the Speech from the Throne. It builds on the Liberal government's past successes, the successes of the Chrétien government, and the new plans of the Martin government.

We can and will do more to help all Canadians realize their potential in society. I will continue to advocate for the volunteer sector during my tenure in this chamber, and I can only hope that I will have the support of all of my honourable colleagues in doing so.

Hon. Donald H. Oliver: Honourable senators, the Speech from the Throne did not refer to bank mergers, and it should have. I have a longstanding interest in the subject of bank mergers, so today I rise to speak in reply to the Speech from the Throne to comment on the federal policy of restricting mergers between large Canadian financial conglomerates.

Since the last round of large bank merger proposals in 1998, many new developments have occurred in Canada. We have seen the introduction of a new regulatory framework articulated in Bill C-8 aimed at encouraging competition in the financial sector — our Banking Committee dealt with the bill in great detail — global financial consolidation continuing at a great pace, the creation of new banks and inroads by several foreign institutions, the rapid adoption of new technologies by consumers and service providers and federal government consideration of new ways to improve competition such as enabling consumers to conduct the full range of banking activities at any banking machine of their choice.

Clearly, the Canadian financial system is evolving rapidly, but I am concerned that the federal government's vision for the future of our financial system is not evolving as it should. Our largest financial institutions currently lack a crucial business option to respond to mounting international and domestic competition, and that is the ability to merge as they see fit. Worse, in my opinion, is the climate of political uncertainty they face about what their real options are or will be.

Changes in financial laws and regulations are often a response to mounting market pressures and have historically been a driver for major structural changes in the financial services industry. Thus, Parliament and other policy-makers have an essential role to play. They must ensure that the country's financial legislation and policy promotes the healthy development of the Canadian financial industry, together with ensuring continued access for Canadians and Canadian businesses to competitively priced and accessible financial services. A healthy financial industry is a key contributor to Canada's prosperity.

As public policy-makers, we senators must not jeopardize the prosperity of Canada's financial industry by not responding swiftly to evolving market developments. We must ensure that business decisions taken today are the most suited to build the foundations necessary to compete in tomorrow's environment. I believe that the best way to achieve this goal is to remove, to the greatest extent possible, political interference in the decision-making process and allow shareholders of large financial institutions the freedom to decide to merge or not to merge solely on the merits of the proposals in front of them. In fact, the Standing Senate Committee on Banking, Trade and Commerce concluded in its 2002 report on the major considerations that should apply in determining the public interest aspect of the large bank merger review process that, provided the merger proposal is approved by the Office of the Superintendent of Financial Institutions and the Competition Bureau, there is no reason for parliamentary committee scrutiny.

In 1998, the proposed mergers of the Royal Bank, the Bank of Montreal, the Canadian Imperial Bank of Commerce and the Toronto Dominion Bank were rejected by the then Minister of Finance, the Right Honourable Paul Martin. At the time, the

minister declared that the merger proposals were not "in the public interest because they would create excessive concentration in the financial sector." Although the mergers were blocked, it was recognized that a new policy framework was needed. The status quo required change.

In the same year, the Task Force on the Future of the Canadian Financial Sector, the MacKay task force, recommended that there be no general policy preventing Canadian financial institutions from merging, provided that general public interest considerations were preserved. The reform of Canada's financial sector occurred with the legislative changes in Bill C-8 enacted in 2001.

• (1550)

Bill C-8 acknowledged that mergers are a viable business strategy, and a merger review process was introduced. Nevertheless, as a matter of policy, the federal government prohibited mergers between large banks and large demutualized life insurers.

The merger review process established in 2001 closely resembles the steps the minister had followed in reviewing the 1998 large bank merger proposals. Indeed, I would argue that although we now have official merger review guidelines, the merger review framework introduced in 2001 did not bring significantly more clarity or certainty to the process the merger applicants had already endured.

Under the current large bank merger review guidelines, the Competition Bureau reviews the competition implication of the proposed merger. The Office of the Superintendent of Financial Institutions examines the so-called prudential implications, and the Minister of Finance, who has the final decision, appraises the public interest implications of the proposed transaction. The public can contribute to the review process through the work of the House of Commons Standing Committee on Finance and of the Standing Senate Committee on Banking, Trade and Commerce, which would be asked to advise on a specific list of questions about the public interest.

Since I believe that this process is clear and unambiguous, I was surprised by an October 2002 letter to the committee chairs of the House Finance Committee and the Senate Banking Committee in which the federal government asked both committees to conduct public consultations on the major considerations that should apply in determining whether a large bank merger proposal is in the public interest. In essence, the government thought it needed greater clarity. It sounded to me like a make-work or, more specifically, a delaying process.

In their reports released following the public consultations, the House Finance Committee and the Senate Banking Committee expressed their support for mergers as a legitimate business strategy. The Senate committee further recommended that unless there were compelling circumstances to the contrary, the Minister of Finance should assume that a merger was in the public interest where the Competition Bureau and the Office of the Superintendent of Financial Institutions had approved it. It was the committee's view that parliamentary committees should not be involved in reviewing specific merger proposals.

In essence, the Senate committee was attempting to depoliticize the process of determining what constitutes public interest and what does not, and to introduce an element of certainty into the review of large bank mergers. In its current form, I fear the public interest test is ultimately a political test, a political decision if you will. Clearly, the committee hearings have shown that the public interest test is intrinsically linked to the federal government's vision about what structures and what level of concentration in the Canadian financial industry may best serve Canadians and Canadian businesses.

For example, in 1998, the Minister of Finance blocked the proposed large bank mergers, declaring they were not in the public interest because they would have resulted in excessive concentration in the financial sector, a statement issued only three days after the Competition Bureau had sent a letter to the merger applicants saying that the bureau could negotiate potential remedies with the parties to the proposed mergers if they felt an agreement was reachable.

In the 2003 response to the reports of both parliamentary committees regarding the public interest implications of large bank mergers, the federal government identified several key issues it wanted to be considered before finalizing a financial sector consolidation policy in Canada. Notably, the government wanted input on new measures to enhance competition in the banking industry which could mitigate some of the anti-competitive effects of large bank mergers, including guidelines for divestitures of merged bank assets; policy steps to enhance the ability of credit unions to fill the market gaps left by mergers, particularly in smaller communities; easing the restrictions on foreign banks to take retail deposits through branches in Canada, since the current policy prohibits foreign branches from taking retail deposits of less than \$150,000; and mandating shared deposit-taking at ATMs, enabling consumers to conduct the full range of banking activities at any banking machine of their choice.

The federal government also wanted input on mergers or acquisitions between or among large demutualized insurance companies and large banks. These types of combinations are currently not permitted as a matter of public policy. I believe this restriction should be lifted. If a proposed merger between a large bank and a large insurance company passes the merger review process that applies to large bank mergers, I see no reason why it should not proceed.

While the federal government had initially committed to releasing its new financial sector consolidation policy in June of 2004, I am disappointed to find that about four months later we are still waiting for a financial sector consolidation policy in Canada.

Over the last decade we have witnessed a worldwide wave of mergers and acquisitions in the financial services sector, resulting in the creation of very large financial conglomerates. Some of these have resulted from cross-pillar mergers of banks and insurance companies and other financial services entities. One of the reasons behind this wave of consolidation is the high fixed cost of new technologies and the quest by companies for economies of scale. Technology is expensive to develop and set up, but once implemented, the cost of individual financial transactions becomes minimal. The higher the volume of

transactions, the cheaper these installations become. Technological progress is increasing the scale at which institutions must operate to be cost efficient. This pressure is happening at a time when Canadian banks are, in my opinion, losing their status in the international arena.

According to *Banker* magazine, Canada's largest bank, the Royal Bank of Canada, was ranked fifty-first worldwide in terms of assets in 2002. In 1975, the Royal Bank was the twenty-third largest bank in the world by assets. Although in 2001 the largest two U.S. banks were each more or less of the same magnitude as Canada's six largest banks combined, it is estimated that in 2002 each invested twice as much in technologies as Canada's six largest banks. This fact helps to illustrate the point that the greater an institution's revenue base, the greater is its potential for economies of scale and, thus, the greater is its capacity to afford the large fixed costs associated with technological investments.

Others have argued that size itself increases the ability of a bank to finance, on its own, large merger and restructuring among commercial enterprises. Prudential concerns limit the amount of capital that any bank can risk to any particular client. The lead banker in such a deal, and the one earning the largest fee, must also be able to allocate the most capital to such a deal.

Also, the importance of banks' non-interest income relative to traditional interest income has grown substantially in the last 20 years. Banks' non-interest income comes primarily from their asset management business, wholesale and investment banking services, including securitization of assets, and service charges on automated services. It is with great interest that I note that those are also the areas where future competition is expected to be the most intense and where scale is definitely a factor of strength. Indeed, according to some analysts, one of the most profitable business lines for large banks is the fees garnered from structuring large equity or bond offerings for big international firms and advising on mergers and acquisitions.

Like others, I believe that mergers may also lead to economies of scope arising from complementarities between product lines and cross-selling. The potential for such economies of scope is particularly evident in cross-pillar mergers, for example, in mergers between large banks and large life insurance companies. Although life insurance companies and banks both offer savings products, they also have differentiated product lines. As well, life insurance companies do not actively compete with banks with respect to essential banking services, such as payment of credit services, and are extremely active in international markets, particularly in the United States and Europe. The merged entities — large banks and large life insurance companies — would therefore have better access to international markets to cross-sell their products and exploit their respective strengths.

Honourable senators, I think we can all agree that the nature of banking has changed over the last 20 or 30 years. Traditionally, a banks' basic role was to act as an intermediary between depositors and borrowers. This role is changing substantially, I believe, as banks worldwide are required, because of regulatory and technological changes as well as competitive pressures, to reorganize and redefine their role.

• (1600)

Since 1954, Canadian banks have been gradually taking on new functions as markets have changed. As a result of the 1992 legislative changes, banks are now able to provide insurance, trust, security dealing services through their subsidiaries. The same is true for insurance companies.

As a result of legislation in 2001, insurance companies, securities dealers and mutual funds now have access to the Canadian payments system, something that historically was limited to deposit-taking institutions. This access allows them to deal directly with customers through debit cards and chequing accounts, rather than using banks as intermediaries.

The forces of globalization are even more noticeable in the wholesale market, where Canadian companies have access to large and reputable foreign financial institutions more than willing to supply financial services. Large international niche players in areas such as mergers and acquisitions and payroll services are already effective competitors, and in some cases dominant ones.

Honourable senators, the most important debate from a public policy point of view is whether a short-term or a longer-term vision of the Canadian financial services industry should guide policymakers in their assessment of competitive implications.

A second important debate is whether large-scale consolidation may be consistent with the public interest if other competition-friendly policies are adopted in order to simulate competition in the longer term.

Under the current merger review process for large banks, the Competition Bureau reviews the impact on competition. The bureau uses a two-year time frame within which to assess the likely competitive impact of a merger, most probably for very practical reasons. However, we should be cautious in using such a short time frame because, in my opinion, a focus on short-term impacts runs the risk of potentially undermining the long-term global competitiveness of the Canadian financial industry.

Honourable senators need no reminders about the importance of a vibrant Canadian financial services industry for the health and prosperity of our economy. We must ensure that our current financial consolidation policy is adapted to current market realities. We must take the actions needed to ensure that our Canadian-controlled financial industry remains strong and that its relative contribution to our economy is to be maintained and expanded.

Some six years have passed since the last round of large bank merger proposals. New measures to enhance competition in the financial services industry have been —

The Hon. the Speaker: Honourable Senator Oliver, I regret to advise that your 15 minutes have expired.

Senator Oliver: Your Honour, I would ask for two or three more minutes.

[Senator Oliver]

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Oliver: In those six years, the financial sector evolved rapidly with the adoption of new technology, the unbundling of financial services and a wave of consolidation at home and mostly abroad. I support those who believe that we must consider large bank mergers as a legitimate business strategy fully capable of meeting the requirements of the public interest test and consistent with protecting and expanding Canadian consumers' and business' access to competitively priced financial services.

I believe the federal government's financial consolidation policy, which many await with waning patience, should clearly reflect the public interest considerations and be free of any form of political interference.

We cannot afford to have new measures in place aimed at increasing competition both from domestic and foreign service providers while simultaneously restricting mergers between large financial institutions as a matter of policy. Consolidation between large players in the financial industry is viewed elsewhere in the world as a viable business strategy to build the foundation for tomorrow's competitive environment, and this option must be available for our institutions as well.

Will we have to wait until our Canadian-controlled large financial institutions become obsolete in the face of a future global financial world dominated by big, diverse and technologically oriented service providers to react? To ask the question is to answer it. The time for action is now.

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, today I want to talk to you about something that is dear to my heart: Canada's place in the international Francophonie.

Two weeks ago, Senator Chaput talked to you about the joys and challenges of being a Franco-Manitoban and the importance of defending and, better yet, promoting the linguistic duality that is one of the most significant characteristics of our great country.

Today I will pick up where Senator Chaput left off, but I will go beyond our national borders. As an Acadian from the peninsula in northeast New Brunswick, this year I have had the wonderful experience of celebrating the 400th anniversary of the arrival of the Acadians, a people who, by force of circumstance, now live throughout the world.

Acadians can be found not only on the peninsula, but in the Acadian provinces and all across Canada. They also live in France, the United States and elsewhere in this great world. However, this year, in 2004, they came back to Nova Scotia and New Brunswick to celebrate their 400th anniversary. I was not alone in welcoming them; some of you also made the trip to Grand-Pré to offer your wishes, to witness their enthusiasm and happiness at seeing each other, and to remind them to come back to the Acadian peninsula in 2009 for the next World Congress of Acadians.

The gathering of Acadians dispersed throughout the world is a good reason for Canada to get involved outside its borders. There are many other reasons. You will agree with me that since the days of Prime Minister Lester B. Pearson, Canada has earned an excellent reputation abroad.

Our country is perceived as being moderate, open-minded, welcoming and objective. Our elected representatives, public servants, and members of the police are often consulted by foreign countries and our regular participation in electoral or peacekeeping missions has earned us a warm place in the hearts of many throughout the world.

In the Throne Speech, the government said something in which I have always strongly believed: it confirmed Canada's commitment in those regions of the world where poverty and violence are rampant, and democracy absent.

The government proposes to create an organization called the Canada Corps, which will give young Canadians the opportunity to help less fortunate countries by sharing their values and experiences.

Where does the Francophonie fit into this? What is planned for the Canada Corps will complement various initiatives already in place. The first that comes to mind — and honourable senators will forgive me for my parochialism — is the international cooperation program at the Bathurst campus of the New Brunswick Community College.

This program has been in place since 1984. I recently met with the program administrators, who send teachers and project officers to countries such as Burkina Faso, Congo, Cameroon, Mali, Senegal, Mauritania, Vietnam, Tunisia, Algeria and Rwanda. An odd coincidence, is it not, that these are all members of the Francophonie?

The people sent out to these countries by the New Brunswick Community College provide training and assistance to regional communities in creating infrastructures or services in the areas of electronics, mechanics, informatics, office automation or metallurgy.

The NBCC does not just export knowledge. It also opens its doors to international students from these same countries to do basic or advanced studies in these fields at Bathurst.

Although the winters on our peninsula can be a daunting prospect to some of these foreign students, no one has ever frozen to death, thanks to the warmth of their reception at the college. If the Kyoto accord is not adopted, perhaps future African students will be able to get out without a coat in winter.

The Bathurst Community College is not the only Canadian body with an international program involving the countries of the Francophonie. To give just one other example, there is the Société éducative de l'Alberta, connected with Edmonton's Centre culturel Marie-Anne Gaboury, which is also involved in partnerships with two member countries of the Francophonie.

• (1610)

In 2001, the Société éducative de l'Alberta opened a virtual campus in Yaoundé, Cameroon, offering complete training in information technology to local educators. The Société has also opened a second virtual campus in Dakar, Senegal, to provide computer training to adults. Among the contributors to these projects were the Canadian International Development Agency and the Agence universitaire de la Francophonie. Another NGO, the Société francophone de communication de l'Alberta, collaborates with the Société éducative. The aim of the two virtual campuses in Yaoundé and Dakar is to train citizens for the new millennium.

This project is intended to make the youth of Cameroon and Senegal more aware of the concept of good governance and of the political, economic and social realities of a democratic state. It provides a virtual meeting place for the organizations, professors, researchers, teachers, students and other interested stakeholders. To me, this project is a perfect example of the role that the francophones, francophiles and bilingual people of Canada can play within the international French-speaking community.

Nor should we forget all the efforts made by Canadian universities to offer programs in French, not only to their local francophone minorities, but also to the growing number of French-speaking international students they have convinced to come to Canada. I am thinking particularly of Simon Fraser University in British Columbia, which launched its francophone studies program last month. There is also the Faculté Saint-Jean in Edmonton, Collège Saint-Boniface in Winnipeg, which the members of the Senate Standing Committee on Official Languages have visited. I could also add Collège Mathieu in Gravelbourg, Saskatchewan. In this region, the University of Ottawa continues to attract record numbers of French-speaking foreign students who take home with them some of our values. Some decide to take root in Canada and contribute to our cultural diversity.

Even we parliamentarians contribute to promoting and representing Canada within the international Francophonie. Of course, I am speaking of the parliamentary associations we belong to, the most important of which is the Assemblée parlementaire de la Francophonie.

The APF is the only international association that may advise the Organisation internationale de la Francophonie, an equivalent to the Commonwealth. The APF is also the only international assembly at the table of heads of state at the Sommet international de la Francophonie. The next summit will be held in Ouagadougou, Burkina Faso, at the end of November. This is proof that Canadian parliamentarians, members of the APF, have the means to influence the Francophonie internationale. I would be remiss if I did not mention the influence of the Canada-France Association, the Canada-Africa Association and the Canada-Europe Association. All these associations are forums that allow us, as parliamentarians, to promote Canadian values and practices among our foreign francophone partners, and to offer them our help.

Since we speak their language, we understand them immediately and they understand us just as quickly. Since they speak our language, they can easily explain how we can help and we can easily learn how to provide our help. Since we speak the same language, we can all maintain, develop and promote this cultural diversity that makes the Francophonie so captivating.

In Canada, our linguistic duality gives us a golden opportunity to step outside our four walls or the four corners of our country to travel through the global village with our foreign francophone friends. There are very few officially bilingual countries that are as lucky as Canada. We are privileged and we should make the most of this privilege to extend a hand to the rest of the Francophonie and take our place on the international francophone stage.

We have already started to do so. I am pleased to read in the Speech from the Throne that Canada will assert our interests and project our values on the international stage.

I was also quite pleased to read in the Speech from the Throne that the government intends to modernize Canada's Citizenship Act to reaffirm, among other things, the importance of our linguistic duality. This will send the francophone world an even clearer image of a Canada where people who speak French are truly welcome.

I thank my government for taking internal and external measures that will better help Canada take its place in the international Francophonie.

I will conclude with a quotation from a great friend of mine, Father Zoël Saulnier of Tracadie-Sheila, New Brunswick. In his recently published book *De la savane à la dune*, he describes the French language as:

...offering the treasures of infinite riches,
The words required for mutual understanding,
And the strength we need to live in harmony...

That description could, you must admit, apply equally to the Francophonie. It is my firm belief that Canada has a major role to play internationally to ensure that the countries of the Francophonie live in harmony. I am pleased to see that my government shares my convictions.

On motion of Senator Banks, motion adjourned.

[English]

SPEECH FROM THE THRONE

ADDRESS IN REPLY—TERMINATION OF DEBATE ON EIGHTH SITTING DAY—MOTION ADOPTED

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of October 7, 2004, moved:

That the proceedings on the Order of the Day for resuming the debate on the motion for the Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated.

[Senator Losier-Cool]

The Hon. the Speaker: Does the honourable senator wish to speak to the motion?

Senator Rompkey: No.

The Hon. the Speaker: Does any senator wish to speak to the motion?

Hon. Noël A. Kinsella (Leader of the Opposition): This side of the house would like an explanation.

Senator Rompkey: After some discussions, it was agreed that this was the practice in past parliaments, that it was worth continuing and that it should be followed in this Parliament as well.

There should be adequate time to accommodate all those who want to participate, and this side intends to do that. The number of days allocated has differed, but this general practice has been followed for some time.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I would agree. When does the eight days begin? Does it start today with the passage of this motion?

Senator Rompkey: The eight days started from "resuming debate." In effect, we would have a total of nine days for the debate. The eventual day would be November 2, which is one week from next Tuesday.

Senator Robichaud: There would be nine days for debate if we speak to it every day.

Senator Rompkey: We would have the rest of this week, all next week and the following Tuesday.

Senator Kinsella: What is the rush?

Senator Stratton: Is that subject to change, if additional speakers wish to reply? In the interest of the Senate, could we negotiate a continuance of one or two days?

• (1620)

Senator Rompkey: Let me just say that I am always open to negotiations. We are negotiators.

Senator Stratton: Thank you.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

**FLAWS IN DELIVERY OF GUARANTEED
INCOME SUPPLEMENT**

INQUIRY—DEBATE ADJOURNED

Hon. Percy Downe rose pursuant to notice of October 6, 2004:

That he will call the attention of the Senate to the basic flaws in the delivery of the Guaranteed Income Supplement program for low-income seniors.

He said: Honourable senators, I rise today to speak to the notice of inquiry that I gave regarding the difficulties some seniors have encountered in receiving the Guaranteed Income Supplement.

Even for those of us who work in the heart of our parliamentary democracy, the vastness and complexity of the federal government can often be daunting. Here in the Senate, we have incredible resources. We have access to the parliamentary library, researchers and transcripts, and it is very easy for us to simply call government departments and request information. In spite of the volume of information available, the large size of the federal government can be daunting.

Now, honourable senators, imagine that you are a retired Canadian, struggling to make ends meet on limited resources and with no access to researchers, librarians, internal Internet services and a council of your peers. In such a situation, how can the individual Canadian begin the task of comprehending the responsibilities and opportunities that are required and available?

In the area of responsibilities, the task is made much easier. In the case of the Canada Revenue Agency, armies of public servants, equipped with the very best databases and resources, ensure that Canadians are meeting their responsibilities and obligations to the public purse, and so it should be. Virtually every Canadian recognizes the need of individual responsibility to the collective good. Canadians understand their individual duty to the greater good.

However, what about the opposite situation? What about the obligation of the federal government to ensure that all Canadians fully understand the opportunities to which they are entitled? I am referring, of course, honourable senators, to the Guaranteed Income Supplement, which is available to thousands of low-income Canadian seniors but is not being paid to all those individuals. In my opinion, the fact that so many Canadian seniors are not receiving this financial benefit is a clear indication of a basic flaw in the relationship between the federal government and the individuals the government seeks to serve.

As all honourable senators know, the Guaranteed Income Supplement is a program created by the federal government to deliver additional money to low-income seniors. It is a supplement paid directly to those Canadians who receive Old Age Security but who have either little or no other income. The supplement is a great program, and it can make a tremendous difference to those Canadians struggling to make ends meet. For example, a single senior with no income other than Old Age Security may be eligible for a supplement of more than \$6,600 per year.

Honourable senators, for many thousands of Canadians, the supplement can mean the difference between a daily struggle to make ends meet and a reasonably assured income. Across Canada, the Guaranteed Income Supplement assists about 1.4 million Canadians, and it has made a real contribution to the quality of life enjoyed by many seniors.

However, a gap has developed between government's good intentions and the way the program is being delivered across Canada. In the past, many Canadian seniors did not receive the supplement because they were unaware of the program requirements. In 2001, the Standing Committee on Human Resource Development and the Status of Persons with Disability released a report called, "The Guaranteed Income Supplement: The Duty to Reach All." The thrust of this report was to point out government's obligation to let all qualified seniors know which benefits were available and to make it as easy as possible for seniors to apply.

Honourable senators, Statistics Canada estimates that, in the year 2000, over 500 potential eligible seniors in Prince Edward Island were not receiving the GIS benefit. These estimates refer only to seniors who filed tax returns.

Honourable senators, it is my understanding that there has been some improvement in this area. The then Human Resource Development Department created a take-up initiative which had the objective of reaching seniors who may be eligible for the supplement and asking them to apply. In my own province of Prince Edward Island, a number of seniors were sent information, and more are now receiving the supplement. In P.E.I., 338 seniors were identified during the 2002 take-up initiative as receiving old age security benefits but not the GIS. Of the 338 pre-filed letters sent to those seniors, over 70 per cent returned the application and were paid. As a result, in 2002, nearly 9,300 Prince Edward Island seniors were receiving the supplement, and I am quite sure it has made a substantial difference in their lives.

I am concerned that seniors who have not applied or failed to file income tax returns may very well be the ones who are most in need. They may lack the ability to complete the application form, be socially isolated or simply unaware of the benefits to which they are entitled. Within the federal government, there is information available which would allow it to identify those seniors who are qualified to receive the supplement.

As a member of the Standing Senate Committee on National Finance, I was surprised to learn at a recent meeting that the projections for the fiscal year show a national decrease of over 39,000 in the forecast number of potential GIS recipients. Such a major decrease leads one to question how many seniors who live in a low-income bracket and who are eligible for the GIS are not receiving the supplement.

Yes, improvements have been made, but is it not an obligation of the government to go the extra mile and to ensure that everyone who is qualified receives this assistance?

Currently, the problem, as I see it, is that there are restrictions and barriers in place. Seniors who do not file tax returns may be completely unaware of the existence of the supplement, and the government seems to have no way of directly contacting seniors who do not file income tax returns. Looked at from the other end of the telescope, does the federal government not expend a huge amount of effort ensuring that Canadians pay their taxes? Should government not also ensure that it pays its qualified citizens?

We have seen progress in reducing poverty among senior citizens in Canada. Statistics Canada reports that the poverty rate for seniors in Canada has declined in the past 10 years, going from 10.8 to 7.3 per cent today. The Government of Canada should be pleased, as seniors now have one of the lowest poverty rates of any group in our country. Still, the government is responsible to ensure that everyone who is qualified receives the GIS.

I would encourage all honourable senators to use their positions to publicize the GIS program.

Finally, honourable senators, I call on the Minister of Social Development to redouble efforts to ensure that Canadian citizens are reaping the full benefits to which they are entitled as citizens of this country.

On motion of Senator Ferretti Barth, debate adjourned.

• (1630)

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. David Tkachuk, for Senator Fraser, pursuant to notice of October 7, 2004, moved:

That the Standing Senate Committee on Transport and Communications have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON MEDIA INDUSTRIES

Hon. David Tkachuk, for Senator Fraser, pursuant to notice of October 7, 2004, moved:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto;

That the Committee submit its final report to the Senate no later than Friday, June 17, 2005; and

That the papers and evidence received and taken on the subject and the work accomplished during the First and Second Sessions of the Thirty-seventh Parliament be referred to the Committee.

[Senator Downe]

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. David Tkachuk, for Senator Fraser, pursuant to notice of October 7, 2004, moved:

That the Standing Senate Committee on Transport and Communications be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

[Translation]

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Gerald J. Comeau, pursuant to notice of October 7, 2004 moved:

That the Standing Senate Committee on Fisheries and Oceans be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

The Hon. the Speaker: Is leave granted, honourable senators?

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Gerald J. Comeau, pursuant to notice of October 7, 2004 moved:

That the Standing Senate Committee on Fisheries and Oceans have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

The Hon. the Speaker: Is leave granted, honourable senators?

Motion agreed to.

[English]

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Donald H. Oliver, pursuant to notice of October 7, 2004, moved:

That the Standing Senate Committee on National Finance be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Donald H. Oliver, pursuant to notice of October 7, 2004, moved:

That the Standing Senate Committee on National Finance have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Tommy Banks, pursuant to notice of October 7, 2004, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED
TO STUDY ISSUES RELATED TO MANDATE

Hon. Tommy Banks, pursuant to notice of October 7, 2004, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on emerging issues related to its mandate:

- (a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;
- (b) Environmental challenges facing Canada including responses to global climate change, air pollution, biodiversity and ecological integrity;
- (c) Sustainable development and management of renewable and non-renewable natural resources including water, minerals, soils, flora and fauna;
- (d) Canada's international treaty obligations affecting energy, the environment and natural resources and their influence on Canada's economic and social development; and,

That the papers and evidence received and taken during the Third Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report to the Senate from time to time, no later than June 30, 2006, and that the Committee

retain until September 1, 2006 all powers necessary to publicize its findings.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I have a question for Senator Banks. Does this motion relate to the continuation of a study that is already underway?

Senator Banks: That is partly correct. The mandate referred to here was addressed in the last session of the previous Parliament and will continue to be addressed in a series of reports. The first report was nearly completed at the end of the last Parliament and is presently being reviewed. In fact, it is being reviewed tonight by the committee and will be released forthwith. The committee will continue with a succession of reports on different matters within the purview of this order of reference.

Senator Stratton: The forthcoming report will conclude the previous order of reference granted by this chamber. The committee will then continue with this new mandate. How much will the study cost?

Senator Banks: How much is a car?

Senator Stratton: Is it a Rolls Royce or a Volkswagen?

Senator Banks: Honourable senators, I cannot answer that question because, of course, while we have the proposed order of reference before us, which I point out is exactly the same order of reference as existed in the last Parliament, word for word, I have not yet had the opportunity of hearing from the committee as to exactly how it wishes to address these matters. They are being dealt with in meetings that begin today at 5 p.m., or when the Senate rises. We do not yet have a budget beyond the ordinary emergency budget available to all committees at the beginning of sessions to cover short-term matters. How much this study will cost will depend upon the determination of the committee, which has several new members who may have some things to say about the matter. The committee must then take the budget proposal to the Internal Economy Committee, which will deal with it in the normal way and eventually report it in public to this chamber, which will ultimately determine how much this study will cost.

The Hon. the Speaker: If no one else wishes to speak, are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Tommy Banks, pursuant to notice of October 7, 2004, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

Hon. Joyce Fairbairn, pursuant to notice of October 7, 2004, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to hear from time to time witnesses, including both individuals and representatives from organizations, on the present state and the future of agriculture and forestry in Canada.

That the papers and evidence received and taken on the subject during the Third Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee submit its final report to the Senate no later than December 23, 2005, and that the Committee retain until January 31, 2006 all powers necessary to publicize its findings.

Motion agreed to.

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON DEVELOPMENT AND MARKETING OF VALUE-ADDED AGRICULTURAL, AGRI-FOOD AND FOREST PRODUCTS

Hon. Joyce Fairbairn, pursuant to notice of October 7, 2004, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the issues related to the development and marketing of value-added agricultural, agri-food and forest products, on the domestic and international markets;

That the papers and evidence received and taken on the subject during the Second and Third Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee submit its final report to the Senate no later than December 23, 2005, and that the Committee retain until January 31, 2006 all powers necessary to publicize its findings.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, my question is addressed to Senator Fairbairn. Is this mandate a continuation of the mandate given in the last Parliament?

Senator Fairbairn: Yes, it is, as are the others. This mandate in particular, as Senator Stratton knows, is very broad. It is the one under which the committee conducted its study on BSE, on which we have reported and will continue to monitor.

The Hon. the Speaker: Seeing no other senator standing to speak, are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

• (1640)

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Joyce Fairbairn, pursuant to notice of October 7, 2004, moved:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Joyce Fairbairn, pursuant to notice of October 7, 2004, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, before we adjourn, I would like to ask a question of the deputy leader in the chamber as to whether, with the consent of this chamber, he would be willing to have us sit at 1:30 p.m. instead of 2 p.m. tomorrow, to allow the committees to conduct their business at an appropriate time, that being 4 p.m. upon rising?

For the record, I asked this question earlier today, but I want to put on record that the history of this chamber in the last parliament and other parliaments was that we meet at 1:30 p.m. on Wednesdays to allow the chamber to rise at 4 p.m. for committees to meet — which is critical — as well as that, on Thursdays, we meet at 1:30 p.m. to allow going through a proper agenda, for obvious reasons.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I take it as being laid on the record, and these are sentiments with which I can associate myself. We agreed in conversations that, at some points, particularly when we get busier, this is something we would take a close look at. I would like us to discuss it further as to the date on which we implement it.

The Senate adjourned until tomorrow at 2 p.m.

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• VOLUME 142

• NUMBER 6

OFFICIAL REPORT
(HANSARD)

Wednesday, October 20, 2004

—
**THE HONOURABLE DAN HAYS
SPEAKER**



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, October 20, 2004

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

NAVY APPRECIATION DAY

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, today is Navy Appreciation Day. There will be a reception in the Senate foyer at five o'clock today to which all senators have been invited. I hope to see you there.

It will come as no surprise to senators that someone born on an island on the edge of the Atlantic has a special feeling for and appreciation of the navy. During the Second World War, I was old enough to experience a harbour full of ships of the Royal Navy and Royal Canadian Navy and streets, docks and bars full of seamen coming from or going to convoy duty. When the siren sounded and our house lights were put out and the blackout began in St. John's, it was comforting to know that there were ships and sailors in port.

Later I had the honour of serving as an officer in the Royal Canadian Navy Reserve. Traditionally my province has supplied more seamen to our navy than any other province in Canada. I should point out that Lieutenant-Commander Terrance J. Christopher, currently our Usher of the Black Rod and the first navy man to hold the post, also had a distinguished 30-year career within Canada and without.

Hon. Senators: Hear, hear!

Senator Rompkey: Indeed, so many of our young men and women have served and are serving our country with courage and loyalty. From the navy's beginnings at the turn of the century, through two world wars to the present time, Canadian seamen have served our country and the countries of our allies with the highest degree of professionalism. During the Gulf War, Admiral Ken Summers commanded the whole of the naval forces of all countries patrolling the Persian Gulf. Today our ships are found on both sides of the Atlantic as members of NATO's Standing Naval Force Atlantic.

In good times and bad, the men and women of our navy have served us with the highest standards. At the moment, the navy is experiencing a particularly difficult time with the tragic events that have happened to our submarines and, particularly, with the death of Lieutenant Chris Saunders, whom we all mourn. There is always peril on the sea, and I know our navy will find the strength and the commitment to overcome its difficulties, as it has done in the past. Today, I salute all ranks of the Royal Canadian Navy and the Royal Canadian Navy Reserve, past and present, and offer them our own Newfoundland and Labrador toast: long may your big jib draw.

Hon. J. Michael Forrestall: Honourable senators, I am proud to be here today.

• (1410)

I wish the Acting Chief Petty Officer for the Royal Canadian Sea Cadet Corps across the country was sitting across from me. I speak of Senator Graham, of course.

I am deeply honoured to be here. I wish to join with Senator Rompkey and others across this country in paying tribute to Canada's navy, to its brave sailors, their families and a very large naval community in Canada, not the least of which may be found in the province of Saskatchewan.

I would like to commend the Navy League of Canada for making this day a day of celebration. It does so much fine work on behalf of Canadians, particularly with our country's youth. Like my colleagues, I am saddened by the recent loss of life on board the HMCS *Chicoutimi* and want to extend my sympathy to the family of navy Lieutenant Chris Saunders. To those crew members injured, I wish a speedy and lasting recovery.

Canada's naval tradition demands great things of its men and women. In World War I our navy was made up of two cruisers, HMCS *Niobe* and HMCS *Rainbow*, along with two submarines, CC1 and CC2. There were, of course, several converted civilian vessels.

During the intervening years between the First World War and Second World War, we manned a modest fleet of six destroyers. During World War II, the Canadian navy grew to become the third largest navy in the world with aircraft carriers, cruisers, destroyers, frigates, corvettes and other ships sweeping the seas to get merchant convoys out of the harbours of Halifax and St. John's, across the North Atlantic to Great Britain. They did this through U-boat infested waters. Through the Korean War, the Royal Canadian navy perfected train-busting and was among the first Canadian contribution to that war.

Today we have a medium-sized navy composed of destroyers, frigates, supply vessels, submarines and other vessels. While it is a medium-sized navy in numbers and proportion, it is a navy with an enormously big heart, with a record of help and accomplishment around the world.

In terms of its highly professional, very brave men and women that I have mentioned, it has a heart larger than the "Heart of Oak." To me they are the heart of Canada. They are the senior service.

To the navy, let me join with those who say, "Bravo Zulu." We are proud of you who typify your own motto: Ready, Aye, Ready.

Hon. Michael A. Meighen: Honourable senators, the timing of the Navy League of Canada could not be more exquisite in declaring today Navy Appreciation Day. As a proud member myself of the Ontario Branch of the Navy League of Canada, I am glad to join with Senators Rompkey and Forrestall, with the members of the Navy League and with all senators in that celebration.

It is an unfortunate truism of life that we best appreciate things only when we lose them. Last week aboard the HMCS *Chicoutimi* we lost navy Lieutenant Chris Saunders. I dare say that his tragic death stirred something in each and every one of us. It reminded us how dangerous it can be to serve in Canada's navy, even in peace time operations. It also reminded us of how selfless are those who serve in Canada's navy and what risks they take on our behalf.

The tragic irony of the death is that Lieutenant Saunders lost his life while he and his fellow submariners were engaged in a routine peace time operation. However, the activities of the Canadian navy over the past few years in the fight against terrorism, patrolling the waters off the Middle East and elsewhere, have been anything but routine, yet nary a Canadian sailor's life was lost. Those sailors were pushed to the limit and beyond. When the job was done and done well, they returned to port exhausted and depleted. We ask much of them, more than we would ever ask of the average Canadian citizen, and they answer each and every time.

[Translation]

I am concerned because our sailors have always answered our call, and we risk making it a habit of always demanding a little more of them, while not demanding of ourselves that we provide them with what they need to carry out their task.

[English]

Canada's navy, like the other branches of our Armed Forces, is woefully undermanned, under-equipped and underfunded. If this government wants to show its appreciation of the Canadian navy, it will bring this sorry state of affairs to an end. It will provide them with the equipment to do their job and not equipment that is acquired on the cheap. When that day comes, every day will be Navy Appreciation Day, and that is as it should be.

Hon. Senators: Hear, hear!

[Translation]

PERSONS CASE

SEVENTY-FIFTH ANNIVERSARY

Hon. Shirley Maheu: Honourable senators, Monday was the seventy-fifth anniversary of the Persons case. As you probably know, in the 1920s, five courageous and visionary women joined forces to champion the cause of women's rights in Canada.

[English]

Henrietta Muir Edwards, Nelly McClung, Louise McKinney, Emily Murphy and Irene Parlby are part of our history as a result of their tireless efforts to have women recognized in law as

persons. Thanks to them, Canadian women gradually obtained access to rights and privileges that had previously been denied to them, such as the right to vote, the right to occupy positions of trust and responsibility — such as the right to be named senators — and the right to participate more actively in the life of their communities and their country.

[Translation]

To honour these famous women, each year, the Governor General hosts the Governor General's Awards in Commemoration of the Persons Case. Tomorrow, seven remarkable women will be receiving this award for their extraordinary contribution to the promotion of women's equality and the advancement of women in Canada.

[English]

Honourable senators, please join with me in paying tribute to these famous women and to all Canadians who continue to work toward gender equality.

Hon. Senators: Hear, hear!

[Translation]

PRINCIPLE OF ASYMMETRICAL FEDERALISM

Hon. Jean-Claude Rivest: Honourable senators, I would like to invite the members of this chamber to give their strong support to the health accord signed by the Right Honourable Prime Minister of Canada, which enshrines the principle of asymmetry. With this agreement, Quebec, in particular, has succeeded in protecting its jurisdictions.

Last weekend, a public opinion poll revealed that close to 70 per cent of Canadians disagreed with the conclusion reached by the Prime Minister of Canada and his colleagues. I read in the newspapers that even an honourable senator — and nevertheless a friend like Senator Joyal — was among those opposed to the accord. He probably supports uniformity in federalism. Honourable senators, let us not forget that the principle of asymmetrical federalism is already firmly enshrined in Canada's Constitution. When they joined Canada, some provinces benefited from special conditions.

As regards bilingualism, Quebec's status is asymmetrical, because the Constitution imposed on it specific obligations regarding the use of French in the National Assembly and in the courts. The requirement to maintain two education systems was imposed by the Constitution.

• (1420)

The principle of asymmetry is therefore well established and recognized on the constitutional level. It is just a reflection of Canada's diversity.

On the administrative level, the principle has been acknowledged on numerous occasions by our prime ministers. Prime Minister Pearson acknowledged the differences in participation in the Canada Pension Plan, and as a result the Caisse de dépôt was created, rather than a system of piecemeal financing.

Prime Minister Trudeau acknowledged the possibility of direct participation by Quebec and New Brunswick within the Agence de coopération culturelle et technique.

Prime Minister Mulroney saw immigration as vital to keeping Quebec in Canada for the stability and recognition of French. As a result, we saw federal responsibility for the integration of immigrants transferred to Quebec, where in fact a different approach is taken than in the rest of Canada. It is not merely economic and social, but linguistic as well.

The principle has again been acknowledged just recently by the Right Honourable Prime Minister Paul Martin in connection with health.

I therefore believe that it is incumbent upon the Senate to acknowledge and affirm the full diversity of Canada, and to express our support of the recent health initiative.

EMPLOYMENT EQUITY

TWENTIETH ANNIVERSARY OF ROYAL COMMISSION REPORT

Hon. Lucie Pépin: Honourable senators, this month marks the twentieth anniversary of the report of the Royal Commission on Equality in Employment. Coincidentally, the chair of that commission, Justice Rosalie Abella, has just been appointed to the Supreme Court.

Justice Abella's appointment was greeted by many as a great day for the Supreme Court and was most certainly justified. She has helped advance the case law on equality and the protection of human rights. More than once, Justice Abella has moved us to take action to eliminate systemic discrimination against certain groups of Canadians.

Today I want to point out just how important and defining was the report of the Abella commission, published in 1984. In that document, persons with disabilities, women, members of visible minorities and Aboriginal peoples were designated as not having fair, equitable and transparent access to the job market.

Ms. Abella said, and I quote:

It is not that individuals in the designated groups are inherently unable to achieve equality on their own, it is that the obstacles in their way are so formidable and self-perpetuating that they cannot be overcome without intervention. It is both intolerable and insensitive if we simply wait and hope that the barriers will disappear with time. Equality in employment will not happen unless we make it happen.

In order to correct that inequality, the royal commission recommended adoption of an employment equity model focusing on the elimination of discriminatory obstacles to employment.

Twenty years later, we have made considerable progress on this issue. The recommendations of the royal commission have led to

legislation that makes employment equity mandatory. We can celebrate this progress but we must not neglect the challenges still before us.

Despite our best intentions and efforts, some members of designated groups, such as those from visible minorities, continue to be passed over for employment. And if they manage to find employment, their chances of advancement are clearly more limited, and that does not even count the glass ceiling that still prevents women from reaching certain key positions.

In order for our country to benefit from the talents of every one of its people, no Canadian man or woman should be deprived of job opportunities or advantages for any reason but competence. It is a question not only of productivity, but of dignity as well.

[English]

CANADA-UNITED STATES RELATIONS

Hon. Gerry St. Germain: Honourable senators, imagine for a moment, if you will, in the midst of the last federal general election in this country, the major network news organizations in the United States releasing a public opinion survey conducted in their country revealing how Americans felt about our election. Imagine the results of such reportedly being that 56 per cent of Americans surveyed would like to see Stephen Harper's Conservatives elected in Canada, with only 19 per cent favouring incumbent Prime Minister Paul Martin.

The prospect of such a story unfolding we can only fantasize about, for if it did it would set off a huge alarm in Canada about foreign interference in our election process. The Americans would be accused of terrible domination, bordering on intimidation, for treading into the democratic affairs of a sovereign nation. The headline on the story would read, "Big Brother Down South Trying to Unfairly Influence the Democratic System in Canada."

Now, honourable senators, let's talk about reality. A couple of weeks ago, the Canadian Press, working in conjunction with Léger Marketing of Montreal, published the results of a telephone survey of Canadians on the subject of the American election. The headlines proclaimed convincing support among Canadian voters for U.S. presidential candidate John Kerry, representing the Democratic Party. It is interesting to note that only slightly more than half of all those Canadians surveyed actually had any interest in the American elections. Nonetheless, one of the major national news organizations and many of its subscribers thought it was legitimate news that 40 per cent of respondents thought the re-election of President George Bush would have a negative impact on Canada-United States relations.

Actually, honourable senators, I am not surprised at those numbers. The Liberal government has perpetrated nothing less than a deliberate campaign to erode Canada-U.S. relations. Prime Minister Paul Martin, along with his predecessor, has allowed backbenchers and senior staff to bad-mouth the President of the United States. With a glaring lack of courage and a lack of leadership, two successive Liberal governments have positioned Canada on the outside. They have ensured that we are anything but a friend of the Americans. We are perceived as cowardly, letting down our best friends and neighbours when we refused to become an ally of the freedom fighters who liberated the people of Iraq.

Now, honourable senators, we have the nerve to tell Americans how they should vote. Shame! Shame on the Liberal government for fanning the flames of anti-Americanism in Canada; shame on the Canadian media elite for attempting to interfere with the U.S. election process with their headline-grabbing polls that are devoid of deep thought and real meaning; and shame on those Canadians who express their anti-American sentiments with an arrogance that suggests we know who could best lead the United States.

Thankfully, on November 2, a majority of Americans will re-elect President George Bush, one of America's greatest presidents and a good friend of Canadians.

ROUTINE PROCEEDINGS

FOREIGN AFFAIRS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Peter A. Stollery: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Foreign Affairs, which deals with the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 69.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

REPORT PURSUANT TO RULE 104 TABLED

Hon. Michael Kirby: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 70.)

HERITAGE LIGHTHOUSE PROTECTION BILL

FIRST READING

Hon. J. Michael Forrestall presented Bill S-14, to protect heritage lighthouses.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read a second time?

Senator Forrestall: I move that the bill be read a second time on Wednesday, one week hence. May I add that this is an unnecessary expense for the taxpayers of Canada.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Forrestall, bill placed on the Orders of the Day for second reading one week hence.

SPAM CONTROL BILL

FIRST READING

Hon. Donald H. Oliver presented Bill S-15, to prevent unsolicited messages on the Internet.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read a second time?

On motion of Senator Oliver, bill placed on the Orders of the Day for second reading two days hence.

• (1430)

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE EXPANDED BUREAU MEETING, APRIL 23-24, 2004—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, I have the honour to table the report of the Canada-Europe Parliamentary Association, OSCE, which deals with the Expanded Bureau Meeting in Copenhagen on April 23 and 24, 2004.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE THIRTEENTH ANNUAL SESSION, JULY 5-9, 2004—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, I have the honour to table the report of the Canada-Europe Parliamentary Association, OSCE, which deals with the Thirteenth Annual Session in Edinburgh, on July 5 to 9, 2004.

MEETING OF COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY COMMITTEE ON ECONOMIC AFFAIRS AND DEVELOPMENT, JUNE 18, 2004—REPORT TABLED

Hon. John Lynch-Staunton: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation to the meeting of the Committee on Economic Affairs and Development at the OECD, held in Paris, June 18, 2004.

MEETING OF COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY, THIRD PART OF ORDINARY SESSION, JUNE 21-25, 2004

Hon. John Lynch-Staunton: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation to the meeting of the Third Part of the 2004 Ordinary Session of the Parliamentary Assembly of the Council of Europe held in Strasbourg, June 21 to 25, 2004.

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO REFER 2003-04 ANNUAL REPORT OF COMMISSIONER TO COMMITTEE

Hon. Eymard G. Corbin: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Annual Report of the Commissioner of Official Languages 2003-04, tabled in the Senate on October 19, 2004, be referred to the Standing Senate Committee on Official Languages.

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Michael Kirby: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Michael Kirby: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Peter A. Stollery: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Peter A. Stollery: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs have power to engage the services of such counsel and

technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATED TO FOREIGN AFFAIRS

Hon. Peter A. Stollery: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs, in accordance with rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to foreign relations generally; and

That the Committee report to the Senate no later than March 31, 2006.

[Translation]

STUDY ON QUOTA ALLOCATIONS AND BENEFITS TO NUNAVUT AND NUNAVIK FISHERMEN

REPORT OF FISHERIES AND OCEANS COMMITTEE— NOTICE OF MOTION TO REQUEST GOVERNMENT RESPONSE

Hon. Gerald J. Comeau: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That, pursuant to Rule 131(2), the Senate request a complete and detailed response from the Government to the Fourth Report of the Standing Senate Committee on Fisheries and Oceans, entitled *Nunavut Fisheries: Quota Allocations and Benefits*, tabled in the Senate on April 1, 2004 and adopted on May 13, 2004, during the Third Session of the Thirty-seventh Parliament, with the Minister of Fisheries and Oceans being identified as Minister responsible for responding to the Report.

[English]

QUESTION PERIOD

JUSTICE

NATIONAL SECURITY—LISTING OF AL-TAWHID WAL JIHAD AS TERRORIST GROUP

Hon. J. Michael Forrestall: Honourable senators, I return to two questions I posed to the Leader of the Government yesterday. The first had to do with what I can only believe to be a terrorist organization, namely, Al-Tawhid Wal Jihad. This organization has been in operation since 2003. We know that in the period between 2003 and 2004 members of this organization reportedly killed in excess of 1,000 people, a large number by the traumatic expediency of the cutting off of heads. The leader of this organization, Abu Musab al-Zarqawi, has experimented, by all accounts, with biological and chemical weapons.

Can the Leader of the Government tell us today why this barbaric group has not yet been banned under Part II.1 of the Criminal Code of Canada as a terrorist organization, given, at the very least, its history and its intention to experiment with chemical and biological weapons?

Hon. Jack Austin (Leader of the Government): The Honourable Senator Forrestall asked this question yesterday and I said that I would endeavour to obtain an answer speedily, but 24 hours has not allowed me to obtain the answer to his question.

Senator Forrestall: Honourable senators, I will lend the government leader my staff. It did not take them very long to find this information. They used what is called a computer.

I will put that question off and ask it again, perhaps early next week.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— ACQUISITION PROCESS—INFLUENCE OF LITIGATION

Hon. J. Michael Forrestall: Honourable senators, the second question I asked yesterday had to do with litigation concerning the replacement of the Sea King helicopters. I am sure my honourable friend recognizes that if the litigation is successful, the government may well be responsible for damages or compensation, possibly in the form of cash.

The government apparently made its decision to put new helicopters in place, and we all welcome that as soon as it possibly can be done. These were the words of the honourable minister yesterday.

Can the minister tell us if it is the government's policy to not revisit the program award even if it means they may have to pay damages to AgustaWestland in addition to the actual costs associated with the contract award? Such damages could amount to in excess of \$1 billion. I mention that figure to alert the Leader of the Government and all senators to the serious consequences of a decision against the government in this respect. Does the government have any further message that it can leave with the Canadian people to assure them that this money will not be lost and will not be simply paid out as part of "business as usual"?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Forrestall knows as well as anyone here that the process of determining a replacement for the Sea Kings was long and detailed. Eventually, the government made its decision.

Anyone is free to contest the legal validity of decisions made and to take their claims to court. That is why we have fair and impartial tribunals. Their task is to determine whether there was any abuse of any law and/or obligation of a legal nature on the part of the federal government.

• (1440)

In the meantime, as I said yesterday, the federal government intends to proceed to acquire the helicopters under the contract it has signed, and it will abide by the results of a judicial process. There can be no guarantee of the outcome of lawsuits, yet the government believes it has acted correctly in every way.

[Senator Forrestall]

Senator Forrestall: Finally, honourable senators, can the minister give us an indication of when activity may be apparent with respect to the replacement program?

Senator Austin: Honourable senators, a lot of activity is apparent. I feel certain that Sikorsky, which now has indication from the Government of Canada that it will proceed with that contract, is acting with all possible diligence, because the provisions of that contract, as the honourable senator well knows, provide for quite an aggressive delivery schedule.

AGRICULTURE AND AGRI-FOOD

AID TO CATTLE AND GRAIN INDUSTRIES

Hon. Leonard J. Gustafson: Honourable senators, I have questions of the Leader of the Government in the Senate, having come directly from the combine.

As a result of low commodity prices, agriculture is in a critical situation across Canada. To put it in perspective, in 1972, both the price of a barrel of oil and a bushel of wheat was \$2. Today, the price of a bushel of wheat is \$2 if it is a fair grade — it could be 90 cents if it is frozen — and we know that oil is priced at about \$55 a barrel.

At the Whitewood Auction Mart, older cows are bringing from 8 to 12 cents a pound, fleshier cows are bringing from 12 to 20 cents a pound, and older good live animals are bringing 25 cents a pound.

How in heaven's name is it possible for the farm industry to continue to exist under this situation?

Can the Leader of the Government in the Senate give us any assurance that the cabinet and the Prime Minister are currently looking seriously at this issue? I believe it is a crisis situation.

Hon. Jack Austin (Leader of the Government): Honourable senators, I agree with Senator Gustafson that the agricultural community, particularly in relation to the cattle and grain industries, is going through some difficult times. The commodity cycle is not attractive, and there have been special problems with respect to BSE in the cattle industry. However, at the same time, Senator Gustafson knows that the federal government has placed a very great deal of financial support behind these industries.

I was reviewing, in particular, an announcement made on October 1 with respect to Saskatchewan producers under the Agricultural Policy Framework in which the federal government announced a contribution of \$78.5 million for a package of programs and services in that province. That is just one of a number of steps the federal government is taking with the provinces.

I have had discussions with Senator Fairbairn, the Chair of the Standing Senate Committee on Agriculture and Forestry, with respect to a subject matter on which the committee could focus. I am sure Senator Gustafson and his colleagues would want to discuss what work the Senate committee could do to bring these issues to the attention of all Canadians.

Senator Gustafson: Honourable senators, I want to make it clear in my questions that it is not only Saskatchewan that is in trouble. I receive letters from people all across the country, including people in the cattle business in Ontario. Commodity prices are not high in Ontario either, including grain prices, so the problem is a national one.

However, in Saskatchewan, we have had frost. In fact, in much of Saskatchewan, Manitoba, the northern part of Alberta and into the Peace River, the crop froze. It went from a bumper crop — one of the best we have ever seen — to, in many cases, nothing. Now, on top of the frost, we have snow.

My message, I realize, is not a good one, but it must be brought, and I believe the Senate can play an important role in asking the government to take the best possible approach to solving some of these problems. It has been reported that the government has a \$9-billion surplus. Directing a couple of billion at agriculture would pay off well not only for Saskatchewan but for Canada as a whole. Directing a couple of billion toward agriculture would be a positive investment for the government; that investment would be returned, because farmers buy trucks and combines, thereby supporting the factory workers. If funds are not directed at agriculture, we face a very critical situation in the future.

Senator Austin: I and all colleagues here know that Senator Gustafson is raising an important issue of concern to all Canadians.

With respect to the livestock industry, the federal government committed itself, on September 10, 2004, to an investment of \$488 million, simply to stabilize the industry, until discussions with the United States about giving access to live cattle are successful, although we do not know the date when they may be successful and further funds may be required.

I encourage the members of the Standing Senate Committee on Agriculture and Forestry to draw up terms of reference and to visit key agricultural communities in Canada, and to do so as quickly as possible, in order to gather evidence and place the facts before Canadians.

One of the problems in this country is the lack of a general focus by the media and by the political communities on these serious issues. Part of the role of the Senate is to highlight these issues. By holding hearings, the media will be alerted and will attend the meetings. By tabling a report that clearly defines the issues, the Senate will be shown to be advancing the interests of the farm community.

Senator Gustafson: Honourable senators, I thank the minister for the positive approach he has taken here today. We will certainly cooperate in the best interests of the agricultural community.

I was at Salt Lake City, where I met with many people in the industry. There were about 6,000 people there, representing all the states of the United States. I agree that this may take some time, but it is most important to get the border open.

I ask the Leader of the Government in the Senate to urge the government to continue communications with the United States.

Senator Austin: Honourable senators, there are always irritants on cross-border agricultural issues, including cattle, pigs, durum wheat and others. It is important, in my view, that we act in a totally non-partisan way. These ought not to be political issues. These are national economic issues. The more we act together, the more convincing we will be in dealing with the United States officials.

• (1450)

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS CITIZENSHIP AND IMMIGRATION

REQUIREMENT OF TWO MINISTERIAL SIGNATURES ON NATIONAL SECURITY CERTIFICATES

Hon. David Tkachuk: Honourable senators, shortly after the Martin government took over last December, the power to issue national security certificates, which are used to quickly deport people considered a threat to national security, shifted from both the Minister of Citizenship and Immigration and the Solicitor General to just the Minister of Public Safety and Emergency Preparedness. As part of a transfer of powers between departments, it was announced last week that national security certificates will once again require two signatures — one from the Immigration Minister and one from the Minister of Public Safety and Emergency Preparedness.

What has precipitated the change back to requiring two signatures on a national security certificate?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will make inquiries and attempt to give the honourable senator an answer shortly.

REQUIREMENT OF TWO MINISTERIAL SIGNATURES ON NATIONAL SECURITY CERTIFICATES—EFFECT ON EXTRADITION CASE OF ERNST ZUNDEL

Hon. David Tkachuk: Honourable senators, a national security certificate was issued last year to deport Holocaust-denier Ernst Zundel, as the Canadian Security Intelligence Service had declared him to be a national security risk in 1996. Twenty months after the federal government indicated that it would deport him quickly, Mr. Zundel is still fighting his removal, at the expense of Canadian taxpayers.

Could the Leader of the Government in the Senate tell us if the change involving national security certificates may have a bearing on the removal of Ernst Zundel from our country?

Hon. Jack Austin (Leader of the Government): I will make inquiries, honourable senators, but at this point I am not aware that the Zundel case is relevant to the change in policy to which the honourable senator has referred.

SUPREME COURT

GOVERNMENT REFERENCE OF SAME-SEX MARRIAGES

Hon. Marjory LeBreton: Honourable senators, the government has asked the Supreme Court of Canada for a reference on draft legislation to allow same-sex marriage in Canada, something that would be better handled through the appeals process. The government has always said it will introduce legislation to allow same-sex marriage, yet it continues to go to the court.

Would the Leader of the Government in the Senate not agree that this is the responsibility of Parliament and not the courts?

Hon. Jack Austin (Leader of the Government): Honourable senators, I believe the government's action to make a reference in the first instance and then to add an additional question to that reference in the second instance is correctly taken. It is important for Canadians to know what the law of Canada is before Parliament has placed before it additional legislation dealing with this question. We do have a court whose advisory opinions will be respected across Canada. On the basis of that advisory opinion, parliamentarians can be guided with respect to the basic law of Canada.

Senator LeBreton: Honourable senators, I have a supplementary question. The definition of marriage is a key question in our society. Any change to the definition calls for a real debate, where both sides should be heard — indeed, they must be heard. I know many of us in this chamber are on opposite sides of the debate, but we should be heard.

Because of this, I would ask whether the government will allow senators on their side a free vote when this issue comes before Parliament.

Senator Austin: Honourable senators, I will take that as a representation on the part of Senator LeBreton and in due course ask the same question of her side.

I have no answer at the moment, because it is premature. However, I appreciate learning what concerns the honourable senator.

HEALTH

EXTENSION OF HEPATITIS C COMPENSATION PACKAGE

Hon. Wilbert J. Keon: Honourable senators, my question is for the Leader of the Government in the Senate and is about hepatitis C compensation.

Honourable senators, last week the Minister of Health indicated that the federal government may consider extending its hepatitis C compensation package to infected people who were not covered by the original package. If this does indeed come to pass, it will be very good news for the thousands of tainted blood victims and their families across the country.

The health minister's comments also indicated that the expansion of compensation will depend upon whether or not there is a surplus in the current compensation plan, which

provides for an actuarial review to take place next spring, requiring time that many of these patients will find difficult.

Will the federal government commit itself to providing compensation to all hepatitis C victims as quickly as possible? Has that been considered?

Hon. Jack Austin (Leader of the Government): I thank Senator Keon for his question. The Minister of Health indicated recently that he was taking under consideration the possibility of broadening the class of beneficiaries. To take this matter under consideration requires consultation with a number of others who are affected by the plan, including provincial ministers of health and the litigants.

I recently watched — and perhaps the honourable senator did as well — a news feature in which the interviewer interviewed people who were not among the class of beneficiaries but who were trying to enter the class and those were already in the class. It was remarkable to me that, of those already in the class, one person at least was very clearly opposed to including any further beneficiaries. Of course, the one who was not in the class wanted to be included.

The matter is under immediate attention. I know the Minister of Health wants to proceed here. However, the parties have to be consulted and legal advice has to be taken.

Senator Keon: I thank the leader for his answer. Would the Leader of the Government in the Senate know if this particular issue was addressed last week at the annual meeting of federal and provincial health ministers?

Senator Austin: Honourable senators, I cannot say with certainty that I know that.

FOREIGN AFFAIRS

SPECIAL ENVOY TO SUDAN— COMMENTS TO CANADIAN ISLAMIC CONFERENCE

Hon. Gerry St. Germain: Honourable senators, my question is also to the Leader of the Government.

Yesterday, I asked a question on Darfur. The Leader of the Government in the Senate made reference to the special envoy that Prime Minister Chrétien appointed, Senator Jaffer. A speech by Senator Jaffer to the Canadian Islamic Congress, made, I believe, on October 4, 2004, has been brought to my attention. Senator Jaffer, in that speech, said that, today, when we hear Jerry Falwell, Franklin Graham or Pat Robertson, we do not take their words as the words of all Christians, that we know what sector they represent.

Can the Leader of the Government in the Senate tell us what she means by that?

Hon. Jack Austin (Leader of the Government): Honourable senators, I respond to questions of the government. I cannot respond to statements made by individual senators, but I will certainly draw the question of the honourable senator to Senator Jaffer's attention.

Senator St. Germain: Yesterday, the Leader of the Government in the Senate clearly stated that Senator Jaffer was the government's representative in Sudan. Since Senator Jaffer is the government's designated representative, it would appear that she speaks for the government, unless there is mass confusion here.

• (1500)

I am not a follower of Falwell, Graham or Robertson. However, the evangelical movement in the world has done good work in many sectors. In both Africa and Russia today, they continue to do work. One of the greatest Pentecostal evangelical churches is in the city in which I live, the city of Langley. It is doing tremendous work. To go "Whew!" about these people is something like "stuff happens." I believe that these people are doing excellent work, or at least have excellent intentions of helping the Sudanese people. The special envoy questions these people by way of statements in a speech that she circulated to others within the Senate. Does the honourable leader feel that this is the way special envoys should represent the Government of Canada and all Canadians?

Senator Austin: Honourable senators, I have not seen the document to which Senator St. Germain refers. Senator Jaffer is an adviser to the government and has been sent as a special emissary to deal with people in Sudan in order to alleviate the costs of civil strife in that country. Let us start there.

I am not a person who agrees with the views that I have seen represented by the three commentators referred to by Senator St. Germain. We could have a discussion about their views, but it is not logical or legitimate to slide from their views as if they represent the entire Christian community or the fundamentalist community. Those people are not represented by these three. That is what you said. The honourable senator inferred that they stood for and represented all people in the fundamentalist Christian community. I can assure him that I have many friends in that community who disagree with their views.

Senator St. Germain: Do not put words —

Senator Austin: You read what you said in the transcript. You will see that I am quoting you accurately.

On the question of "stuff happens," there is a bit of an irritation on my part with respect to the attempt by some senators opposite to represent a connection between my remark, when the statement of facts given by the navy and by the Chief of Staff was that no one was seriously injured. Then, two days later, the remark I made 48 hours before is associated with the death of Lieutenant Saunders. That is not a process for which I have any respect. That process is an attempt to mislead.

Senator Tkachuk: We do not need lessons from you.

Senator Austin: Yes you do. If you support that kind of reasoning and advocacy, then you must learn something. It is very clear that no one on that side is acquainted with Dr. Seuss.

Senator St. Germain: For the honourable minister to stand and accuse of me saying that Falwell, Graham and Robertson represent all Christians is totally false. I never said that. I did say that they represent a huge segment of the Christian community, the evangelical community, in North America and throughout the world. The fact remains that the work they do in many sectors, as I said, including Sudan and other parts of Africa, is very credible. For the minister to stand there and lecture us on it — we obviously struck a nerve with "stuff happens." It was your statement, your glibness that got you into the trouble that you are in. Do not blame any of the people on this side.

Senator Austin: I wasn't.

The Hon. the Speaker: I want to remind honourable senators of our rules as to Question Period. It is a time for questions and answers to those questions. It is not a time for debate. Short preambles are provided for in our rules but not debate.

Senator Austin: To answer some of the points made, I think, St. Germain, you repeated yourself again in suggesting that the three men you mentioned represent — I think this time you said "a substantial group of fundamentalist Christians." I am saying that I have heard their views and I do not believe that they represent the views of very many Christians, fundamentalist or otherwise.

With respect to "stuff happens," I just want to make it clear, one last time. I should like to remind colleagues here of a statement made by Senator Gigantès when he was a member of this chamber. It was an important statement.

Senator St. Germain: Was he in the GST gang?

Senator Austin: You can be as irreverent as you like. You will regret it sometime.

Senator Gigantès said: "A Senate acting as a house of facts is essential as an antidote for the poisoning of the democratic process by professional liars."

Hon. Lowell Murray: Honourable senators, when the Leader of the Government is reflecting on the questions and statements made by Senator St. Germain, perhaps he might make an effort to bring in the transcript of remarks made by one of the evangelists, whose name has been mentioned here, to the effect that the events of September 11 in New York were the retribution of almighty God brought on by feminists and homosexuals. That evangelist may have been speaking for Senator St. Germain, but he certainly did not speak for this Christian.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a delayed answer to the oral question posed in the Senate by Honourable Senator LeBreton on October 7, 2004, regarding the application of the Learning Bond Program.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

APPLICATION OF PROPOSED
LEARNING BOND PROGRAM

(Response to question raised by Hon. Marjory LeBreton on October 7, 2004)

SOCIAL ASSISTANCE

We are aware that in some provinces and territories, families are forced to liquidate their RESPs in order to receive social assistance. We continue to work with all provinces and territories to ensure that low-income families have access to saving opportunities and realize the full benefit of their efforts to save for their children's education.

Several provinces (Newfoundland and Labrador, Nova Scotia and New Brunswick, Prince Edward Island and Alberta) and territories (Nunavut and Yukon) already exempt RESP contributions from a requirement that certain assets (including RESPs) be drawn down before a family can receive social assistance.

B.C. and Québec exempt RESPs for the purpose of social assistance eligibility up to a ceiling amount that varies by family type and size and is relatively low.

Saskatchewan, Manitoba, Ontario, Québec and the Northwest Territories are reviewing the option to exempt RESPs. Indeed the Minister of Community and Social Services in Ontario recently announced that she thought that the rule requiring families to liquidate their RESPs to be a poor one and committed to removing this rule in Ontario.

OUTREACH AND AWARENESS

The Government of Canada recognizes that low-income families will require both information about the government initiatives and support while opening an RESP in order to benefit from these improved savings incentives.

Accordingly, an Outreach and Awareness Program has been developed wherein we will work with NGOs to ensure that low-income families are aware, understand, and benefit from these initiatives.

The design of the Outreach Strategy will include two components:

- 1) A HRSDC Service to Canadians network that will act as a community liaison for the CLB and CESC; and
- 2) A Pan-Canadian Community Outreach that will work closely with community-based NGOs, who have a long history of working with the target population.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Chaput, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-eighth Parliament,

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that the following be added to the Address:

“and we urge Your Excellency's advisors, when implementing the details of their proposals, to review the Employment Insurance program to ensure that it remains well-suited to the needs of Canada's workforce, to reduce and improve the fairness of taxes, to be unwavering in the application of fiscal discipline, to examine the need and options for reform of our democratic institutions, including electoral reform, and to rise above partisanship to address the public interest;

That Your Excellency's advisors consider the advisability of the following:

1. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend measures that would ensure that all future uses of the employment insurance program would only be for the benefit of workers and not for any other purpose;

2. opportunities to further reduce the tax burden on low and modest income families consistent with the government's overall commitment to balanced budgets and sound fiscal management;

3. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to make recommendations relating to the provisions of independent fiscal forecasting advice for parliamentarians including the consideration of the recommendations of the external expert;

4. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend a process that engages citizens and parliamentarians in an examination of our electoral system with a review of all options;

5. with respect to an agreement on ballistic missile defence, the assurance that Parliament will have an opportunity to consider all public information pertaining to the agreement and to vote prior to a government decision;

And we ask Your Excellency's advisors to ensure that all measures brought forward to implement the Speech from

the Throne, including those referred to above, fully respect the provinces' areas of jurisdiction and that the financial pressures some call the fiscal imbalance be alleviated."—(3rd day of resuming debate)

Hon. David Tkachuk: Honourable senators, I am pleased to respond to the Speech from the Throne and will concentrate my remarks on the subject of the Canada Pension Plan.

In the Speech from the Throne, it was mentioned that the Guaranteed Income Supplement would be increased without an accompanying plan, but following promises made in the Liberal election platform — "goes to the poorest of the poor...." That is my opening remark, since there was no direct mention of the future of the CPP, even though Canadians are concerned. According to the CBC program on Sundays hosted by Rex Murphy, Canadian pension organizations are reporting that the CPP is the number two priority for Canadians, right after health care.

Sometime in the early 1960s, policy wonks, politicians or ambitious bureaucrats, whether they worked for Mr. Diefenbaker or for Mr. Pearson, figured out that the government could tax the general population to pay a pension to older people and that by identifying the tax with a noble public goal — providing pensions for everyone regardless of economic circumstances — citizens would be happy to pay the tax with the proviso that some day they could also collect it. Lester Pearson's government introduced it in 1966 and called it the Canada Pension Plan. I know there were studies and many meetings, but there was Old Age Security also at that time, plus a program for those in dire economic circumstances.

• (1510)

There was a general political benefit since Old Age Security was costing a lot of money at the time. When the Old Age Security program was instituted, the government was not smart enough to institute an Old Age Security tax on the general population. The new program was fairly simple. It was based on establishing a compulsory tax on those who were working, and there were lots of them, and paying people who were retired, and there were few of them since the original age of retirement was set at 70 years, although it was lowered five years later to 65. However, at the time the program was instituted, the age for eligibility was 67.

There were a couple of side benefits. A small amount of tax generated a tremendous amount of revenue, which meant that the money collected could be used in other programs such as those that dealt with death benefits and disability insurance. Since people were only eligible to receive the Old Age Security benefit at age 67 — the average age of death at the time — in many instances no benefits were collected.

There were and are private pension plans that run on the same model and same principle — workers paying for those who retire — but they have safety mechanisms so that payments are reduced if surpluses are incurred and payments are increased if there is a shortfall. There was no such mechanism at the federal treasury. As the baby boomers hit the job market after 1966,

when the program was established, the money flowed on the scale of Niagara Falls, and the government, being government, spent it all.

Much else has changed in the last 30 years, but not government. The principle of imposing taxes for high principles has become a matter of habit. Oh, they started innocently enough with environmental taxes on packaging, on bottles and on disposable products. They levied security taxes to protect passengers at airports, and even taxes to build airports. Of course, do not forget all those sin taxes on liquor, cigarettes and gasoline — sinners were too guilty to complain — and an avalanche of "nickel-ing and dime-ing" measures that are too numerous to mention.

We must also remember the establishment of the Unemployment Insurance Program, later was changed to the Employment Insurance Program — a rather ironic name since it is insurance against unemployment. The program was drastically reformed during the mid-1990s, making it more difficult for applicants to qualify. A law was also conveniently changed from one that limited the accumulation of surpluses to three years to a new and improved Martin law that now allows surpluses — you guessed it, the size of Niagara Falls — to accumulate and accumulate. Paul Martin must have thought he was the luckiest man in the world: gobs of extra employment insurance funds creating huge surpluses that, instead of being made accessible to the unemployed, were saved up until the end of each fiscal year and poured into the government treasuries to help lower the deficit. It was a tax on the working people, and no one was complaining.

Meanwhile, back at the Department of Finance, someone was coming up with the incredible idea of raising the Canada Pension Plan contributions again, under the pretext of saving the pensions for the future and the reform of the plan itself: Reform and save! It seemed that all those baby boomers who began to work in 1967 would soon retire. Those baby boomers had had fewer children. What was worse, the parents of the baby boomers seemed to live forever. What the heck was going on? They were not dying according to plan. Chances were good that the baby boomers themselves would live even longer. What would happen? In fact, the ratio of CPP contributors has decreased from 7 to 1 in 1966, to 5 to 1 in 2002, and it is expected to be 3 to 1 by 2030, the time that my son will be thinking about planning for retirement.

The saviour was to be Paul Martin, who, in 1997, introduced legislation to reform the plan.

That year, one of the largest and most unfair taxes in the history of Canada was being perpetuated on the people who were entering high school and were glibly unaware of the theft that the law was planning for the rest of their working lives. As mom and dad were being defrauded through Employment Insurance premiums, because they were being spent on other programs, the kids were working hard at university, unprepared for the fact that 10 per cent of their income up to \$40,000 would be taken from them to pay for pensions which bear no relationship to the money that they were investing, or rather paying, for the rest of their natural working lives.

Meanwhile, billions of dollars in surpluses are being accumulated — \$2 billion, to be exact, for this fiscal year. Cumulatively, we expect it to be \$47 billion by the end of the current fiscal year, even though the Chief Actuary has said that a \$13 billion surplus is more than sufficient to meet the needs of the program. Of course, none of it is earmarked for the Canada Pension Plan, which would make sense, since, in years gone by, governments have always stolen the surpluses. Remember, these surpluses have not arisen because of any government streamlining of services. They have arisen because of increased and targeted forms of taxation on Canadians.

I would stress one further point. EI premiums are only paid by employers on behalf of their employees and by the employees themselves. The self-employed do not contribute. Yet, when there is a surplus, the entire amount can be used to lower the deficit for all Canadians, despite the fact that only one group has paid into it. It does not sound very fair to me. The EI fund has been spent on other things and is not there for the Canadian worker. In fact, the Canadian worker has suffered more than necessary when you consider that the hiked rates of CPP have not been offset with the introduction of lower EI premiums. Those could have been lowered at a much more dramatic rate than this Liberal government and the one before were willing to do. This government, led by the man who was once Finance Minister, is addicted to its ill-gotten gains and surpluses, and it is not even bashful about it. The Auditor General, one of the few sane voices over the last number of years, has repeatedly warned that the growing EI surplus does not reflect the intent of the Employment Insurance Act.

The laughable 9.9 per cent CPP — rather than calling it 10 per cent — came into effect in 2003. In 2005, the Chief Actuary, who works for the Minister of Finance, is expected to report that the 10 per cent is sustainable. The fact is that since the legislation was passed in 1997 establishing the CPP Investment Board, the CPP has been redesigned to be a pension plan run by an investment board with a few major differences. You, as citizens, and the citizens out there are not part of it. CPP pensions bear no relationship to the investment money generated or lost. If this were a private board, the board members would be wearing stripes.

While young people go about their business in Canada, they share an unremarkable knowledge about what is happening to their financial future. If we want young people to become interested in politics, perhaps the knowledge that they are being earmarked for special taxes is a vehicle to motivate them. This Speech from the Throne does little to enhance their future. Paul Martin has done little to enhance his future, and the Liberal Party has shown that it lives in the past.

Hon. Senators: Hear, hear!

[Translation]

Hon. Yves Morin: Honourable senators, I am pleased today to take part in the debate in reply to the Speech from the Throne. Congratulations to Senators Munson and Chaput respectively for having moved and seconded it so brilliantly.

[Senator Tkachuk]

[English]

I should like to address one aspect of this Speech from the Throne, an issue that is of vital importance for the well-being of Canadians and for the future economic development of their country, and that is research and development.

Innovation has been recognized in the Speech from the Throne as an important element of the government's economic strategy. In fact, support from the government for the science and innovation agenda is not new. Over the last seven years, our government has invested more than \$13 billion in research in Canadian universities and academic health care centres. As a result, we are now first among the G8 countries in support for research and higher education as a percentage of GDP. At the same time, however, there has been a decrease in industry innovation. Industrial research activity has dropped by 9.5 per cent since 2001, and the number of firms conducting research is decreasing as well.

• (1520)

We are ranked 23rd among OECD countries in the share of research and development funded by business. This is a very serious situation. Our success in the knowledge-driven economy and in creating future wealth for our country rests not only on the development of new ideas — the focus of university research — but also on their successful commercialization. This is where industrial innovation is critical. Within that area, innovation of the pharmaceutical industry, which is among the most research-intensive industries, offers one of our country's strongest opportunities to compete successfully in the global economy.

Unfortunately, the level of pharmaceutical research in Canada has fallen precipitously over the last few years. Expressed as a ratio of research and development to sales, research investment has dropped from 11.3 per cent in 1999 to 9.9 per cent in 2002 and to 8.8 per cent in 2003. In the United States, the ratio is 18 per cent, which is a full 10 percentage points greater than in our country. Without exception, every pharmaceutical company, multinational by nature, now invests in Canada at lower rates than the global average. Our per capita level of pharmaceutical R & D is one third that of the U.K. Bringing our level of pharmaceutical R & D up to that of the U.K. would have significant results, in that it would add \$3.2 billion per year to our economy and create 8,300 direct jobs.

What makes this shortfall even more regrettable is just how surprising it is. Canada has a strong and vibrant biotech industry, the third-largest in the world, with more than 375 companies, 90 per cent of which are formed by universities and health research centres. Federal funding has helped these companies make significant discoveries, discoveries that can prevent, diagnose and treat the diseases that effect Canadians. However, without private-sector investment, these companies cannot develop these discoveries in Canada and thus have to turn to other countries. Each time a new product is developed outside our border, Canada loses future international investment of more than \$1 billion over 10 years. How did we get into this

unfortunate situation? Why can we not compete successfully on the global playing field of pharmaceutical innovation funding? There are many reasons, most of which arise out of the fact that we have historically maintained an adversarial relationship with our innovative pharmaceutical industry. We treat new drugs as an expense to be controlled rather than as the major factor in the favourable health outcomes that they have proven to be. We see this approach manifested in several ways.

First, we have made the pharmaceutical industry the target of price controls, which is an archaic, inefficient, costly and bureaucratic process. Price control of pharmaceuticals in Canada has had many unforeseen perverse effects, but I will limit myself to only one. The system punishes new innovative products, while rewarding those products that are no longer under the protection of a patent. As a result, many new breakthrough pharmaceuticals discovered in Canada become available here several years after they are available in other countries.

Second, we have limited the number of new pharmaceuticals for which patients can be reimbursed under government drug plans. Numerous studies have shown that restricting access to necessary medication can lead to increased utilization of other resources and to negative outcomes.

The Canadian Cardiovascular Society, of which I am a proud member and of which Senator Keon was the president, is on record as saying that the application of a cookbook approach, where pricing pushes patients and physicians to the use of one pharmaceutical, is fraught with hazard for the cardiovascular patient.

The Best Medicines Coalition, a grouping of volunteer patients' associations that includes the Canadian Breast Cancer Network, the Arthritis Society and the Multiple Sclerosis Society of Canada, also believes that treatments should be determined by a doctor and not by a bureaucrat. Canadians agree with this statement. A new Pollara poll shows that 87 per cent of Canadians believe that a government drug plan should include all medications that a patient and his or her doctor agree is the most effective treatment.

Third, our drug approval times in Canada are the longest of any industrialized country. We have heard a great deal said about waiting times in our health care system, but the problem of timely access to innovative medicines is even more serious.

The Canadian drug review and approval system has been studied on numerous occasions over the past 15 years. Consistently, each study has found that the time taken for the review of innovative drug submissions is unnecessarily lengthy. In any discussion on improving the performance of the drug review system, it is important to understand that more timely and efficient reviews are not less thorough reviews. A review of Health Canada statistics indicates that their target performances would be met today if the lengthy delays between the receipt of submissions and the commencement of the actual review process and the amount of time between the various stages of the review were eliminated.

Fourth, our approach to the pharmaceutical industry has also dictated how we deal with intellectual property protection. The overriding purpose of intellectual property protection is to foster innovation. We have a poor record of providing and enforcing patent protection for innovative pharmaceuticals in Canada. We still have a five-year differential in patent protection when compared to Europe, Japan and the U.S. Canada is the only country in the industrialized world that does not have a form of patent term restoration. Patent term restoration redresses patent terms that have been effectively shortened due to the extensive time needed for clinical development and the delays in obtaining regulatory approval. Given that Canada's regulatory review and approval times are not competitive, adopting a patent term restoration provision would provide a more favourable R & D investment environment in Canada.

We accord advantages to the generic pharmaceutical companies. Canada is one of the few countries to practise generic early working, which is the development of a copy prior to patent expiry. The entire approval process is less rigorous for generic, non-innovative drugs than it is for new, breakthrough pharmaceuticals. The only requirement is the submission of an abbreviated application for approval based on the clinical research and testing already conducted and funded by the competitor who is the brand name patent holder.

The situation calls for a change. First, we need to change our attitude. Innovative medicines should not be viewed as a cost to be endured, if not aggressively attacked, but as agents of favourable health outcomes and of economic development.

Second, we need to build on Canada's strengths. We have one of the most highly educated workforces in the industrialized world. We have a vibrant, highly productive academic health research enterprise. We have a large number of biotech companies that have grown out of this enterprise, each with promising discoveries waiting to be developed.

We have a superb health care delivery system that is well suited to the conduct of complex clinical studies. By creating a favourable environment for research and development investment, we will create a level playing field with our major competitors. At the same time, we will provide Canadians with the health benefits of innovative discoveries and with the economic benefits of developing them in Canada. We can achieve this goal by removing inefficient and illogical price controls, by improving access to innovative drugs for Canadians and by intellectual property based on international standards.

Some of these necessary actions are to be taken at the federal level. Many players must be involved in this important project for Canada to achieve its potential in this area and that all players must work together. Therefore, I wholeheartedly support the creation of the Canadian health industries partnership — an imaginative plan to create an alliance among the research-based life sciences community and the federal and provincial governments to strengthen our health care system and our economy through Canadian health innovation.

This plan is inspired by the existing public-private sector cooperation in support of the automotive industry. It would provide a collaborative arrangement to strengthen Canada's capabilities in health innovation development opportunities.

Honourable senators, there is no doubt that the situation I have just described is serious and requires the attention of the Senate. On the other hand, I am optimistic that our governments, industry and scientists will rapidly take the necessary measures to correct the problem. As Prime Minister Martin recently declared in Montreal, our objective is clear; to be a land of innovation, a market teeming with new products and services, a country where the quality of life never ceases to grow.

• (1530)

Hon. Marilyn Trenholme Counsell: Honourable senators, the attention given to early learning and child care in the Speech from the Throne reflects the attention given to this subject throughout society today.

[Translation]

I cannot express how proud I was to hear the following commitment in the Speech from the Throne:

For a decade, all governments have understood that the most important investment that can be made is in our children.

The time has come for a truly national system of early learning and child care...that focuses on results, builds on best practices and reports on progress to Canadians.

[English]

We have come a long way in our views on rearing children. Let me tell you a story from the *Telegraph-Journal* of October 14, 2004. In a forthright comment, Maureen McTeer spoke of the experience she and her husband, the Right Honourable Joe Clark, had when they decided to place two-and-a-half-year-old Catherine in daycare. Their decision became the focus of national criticism. "There was no way you could win," said Ms. McTeer.

I know much about those conflicts. My experiences date to the 1970s when child care outside the home was less well-organized and often of lesser quality than it is today. Finally I found an "early childhood centre," where our two children flourished. I could pay the bill for this so-called luxury. Thousands could not.

Today, quality child care in centres devoted to early childhood development is not a luxury. For many families, it is a choice made on reasons that are both economic and scientific. Economic because the labour-participation rate of mothers with young children in Canada is higher than in most industrialized nations; economic also because research confirms a message of Canada's top economists that quality daycare is an investment in the future of our nation, an investment by a family for their children's future; and scientific because there is much evidence that children benefit from quality child care, part-time or full-time.

[Senator Morin]

[Translation]

All parents, whether working in the home or outside the home, deserve the advantages of a society that focuses on the development of their children.

[English]

David Dodge, the Governor of the Bank of Canada, put it this way:

...we must make the wise investments in child care today to ensure a competitive workforce and economy tomorrow and beyond.

[Translation]

The four key principles referred to in the Speech from the Throne as the ones parents and child care experts say matter — quality, universality, accessibility and development — represent the Government of Canada's commitment to the youngest members of our society.

[English]

Quality, universality, accessibility and development are the "QUAD" in our determination to assist the families of Canada to be the best possible parents.

[Translation]

Canadians must put their children first. In order to ensure a healthy population, we must promote the physical, mental, social and spiritual health of our children.

[English]

To have a healthy population, we must raise healthy children.

Canada's commitment, as stated in the Speech from the Throne, represents a giant step towards meeting our social obligations to the families of Canada — to our values as Canadians, to our belief that families are the foundation of our future. That foundation includes Headstart for Aboriginal children, the National Child Benefit, the Canada Prenatal Nutrition Program, CAPC, millions for literacy initiatives, immunization and parental leave. The list is long.

[Translation]

As a member of the Senate Standing Committee on Aboriginal Peoples, I hope I will have an opportunity to pursue our efforts to reduce fetal alcohol syndrome and the high suicide rates among adolescents in Aboriginal communities.

[English]

Aboriginal Headstart must find its place wherever First Nations, Inuit and Metis children live. We can accept nothing less.

I said that I was among the lucky parents when I found an excellent early childhood centre for our young children. Yet, I never expected that centre to assume the principal role in the development of my son and my daughter.

At best, the people to whom we entrust our little ones can expand upon the experiences in the home and provide the socialization that is crucial in the preschool years. They cannot — and they certainly should not — take the place of parents. A professional in Saint John, Leslie Allan, the executive director of Early Intervention Inc., put it this way:

Our work is considered as a partnership with parents in many, many activities around the holistic goal of supporting the preschool child's many emerging developmental domains. In the end, however, our hope is that this partnership shapes the eager young explorer and learner's mind, through positive parent practices and the promotion of broad, rich experiences for young children.

[Translation]

At every opportunity, we must reinforce the message that the parenting role is the greatest challenge and the greatest responsibility in a person's life. In return, being a parent can offer the greatest satisfaction or the worst disappointment.

[English]

Likewise, we cannot expect teachers to do what the home and child care programs have failed to do. Either a child is ready to learn to his or her fullest potential at age five, or not. Therein lies one of the greatest challenges for families and for Canada.

[Translation]

Studies of kindergartens in France have concluded that each year spent in day care decreases the risk that a child will have to repeat the first grade.

[English]

Quality child care that is universal, accessible and developmental in nature expands the beginnings in the family home — in the extended family, where grandparents, aunts and uncles and so many others have a role to play.

Today, many corporate and community groups are stepping in to help families, especially parents who often care very much for their children but who lack the skills and the self-confidence and often the resources to prepare their little ones for school.

Let me give just one example: three and four year olds have found a new friend. The Learning Partnership has launched a delightful project called "Kindergarten Welcome Bag." In a sack perfectly designed for preschool children and their parents, one finds the resources to begin a child's formal education with a foundation of literacy and numeracy nurtured in the family home. Each "Kindergarten Welcome Bag" includes storybooks,

magnetic letters/numbers and writing materials, as well as parent information pamphlets on how to "Help Your Child Get Ready for School."

Each pamphlet is available in many languages. Sessions for parents are also provided on reading, counting, storytelling and how to get help for their children to learn and achieve success in school. While the birth of the "Kindergarten Welcome Bag" gives us a great new tool, it will take the generosity of many players to put this treasure into homes across Canada.

Two weeks ago, I was fortunate to attend a lecture given by John Abbott, who is the president of the 21st Century Learning Initiative in Britain. This event was sponsored by The Learning Partnership and supported by RBC Financial. It was a rare opportunity to hear a message based on scientific research and social study of children and families, much of the information worldwide in scope.

As a physician, I am fascinated by the brain of a newborn and its development throughout the early months and years of life. John Abbott told us that every other mammal delivers its young with its brain virtually fully developed. If the human were to do the same, women would have to carry babies for 27 months. At nine months, the human brain is only 40 per cent formed.

The challenges and opportunities are evident. According to the Early Years Study, McCain and Mustard said the following:

A full-term baby comes into the world with billions of neurons which have to form quadrillions of connections to function effectively. There is an intensive spurt in production of synapses and neural pathways during the first three years, particularly *in utero* and during the first year; it continues with decreasing activity until age 10, and for some functions extends throughout life. This process is often referred to as brain wiring. They are windows of opportunity in early life when a child's brain is exquisitely primed to receive sensory input and develop more advanced neural systems, through the wiring and sculpting processes.

From the Salk Institute:

As we build...synaptic connections when we are very young, so we build the framework which will "shape" how we learn as we get older...The broader and more diverse the experience when very young, the greater are the chances that, later in life, the individual will be able to handle open, ambiguous, uncertain and novel situations.

In the December 2001 *Journal of Economic Literature*, Bowler, Gintes and Osborne wrote the following:

The brain learns best...when it is exercising in highly challenging...low threat environments (with) help from experts in how to learn better—how to upgrade...their own capacity for acquiring information, and creating experience.

[Translation]

This quotation confirms the importance of having high quality child care and early learning centres. This is the Government of Canada's commitment in 2004.

[English]

In their "Early Years Study," McCain and Mustard confirm the need to change the environment of care available to our youngest citizens in Canada:

We have the new knowledge. We have the community models. We need leadership and commitment.

• (1540)

Willms underscored all of this:

Working outside the home does not increase childhood vulnerability.... What matters most is that a child is cared for throughout the day by warm and responsive caregivers, in an environment rich with opportunities to learn.

Honourable senators, let there be no doubt that the family home is fundamental to early childhood development. The Kellogg Foundation concluded that, "the most significant predictor" of student performance "was the quantity and quality of dialogue in the child's home before the age of five. Conversation around the dinner table is all too rare these days.

Second, let there be no doubt about the value of a loving home — affection, bonding, attachment — in shaping a baby's brain and in a child's self-esteem. To quote Gerhardt in 2004:

Our earliest experiences...are translated into precise physiological patterns of response in the brain.... How we are treated as babies and toddlers determines the way in which what we're born with turns into what we are.

I am reminded of the scans of babies' brains after life in orphanages in an underdeveloped country. There was a 20 to 30 per cent loss of brain size in the infants whose existence was characterized by deprivation. To quote Dr. Bruce Perry from 1997, "A piece of the child is lost forever."

[Translation]

This is an extreme example, but it makes a point. Without a good environment, right from conception, a child may be at a disadvantage for the rest of his or her life.

[English]

Honourable senators, this is a huge subject, but today I have two requests. First, I ask you to speak with authority and conviction, especially to youth, about the morbid relationship between alcohol and pregnancy. Let it be said that we used our voice to help prevent the tragedy of fetal alcohol syndrome and fetal alcohol effect.

Second, on a happier note, I ask you to lead by example in the promotion of early childhood literacy. Tomorrow is Literacy Action Day. I salute the great work that Senator Fairbairn has done on behalf of adult literacy.

[Senator Trenholme Counsell]

Literacy begins at birth. Some would say it begins in the womb. The family home is the cradle of learning and of love.

Encouraging parents to share stories, poems and pictures with their children and doing just that ourselves strengthens love and learning in the family home, the fabric of family life and society.

Giving books to children is a gift for a lifetime. Our libraries remain the best bargain in any community, a resource for all and an open door to learning and to imagination.

[Translation]

"The family home — the cradle of learning and love."

"The joy, the power and the comfort of books."

[English]

Honourable senators, we have a responsibility not only to do our part to turn the promises in the Speech from the Throne into reality, but also to seize every opportunity to support the parents in our communities to become the best parents they can be so that each child will have the possibility of achieving her or his full potential in life.

[Translation]

Thank you, honourable senators, for this wonderful opportunity to speak about something so dear to my heart.

On motion of Senator Stratton, debate adjourned.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in our gallery of a delegation from Ireland, led by Ireland's Ambassador to Canada, His Excellency Martin Burke. Included in this delegation is Mr. William McCarter, who chairs the International Fund for Ireland that is involved with the Irish peace process.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

THE ESTIMATES, 2004-05

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY MAIN ESTIMATES

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of October 19, 2004, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2005, with the exception of Parliament Vote 10; and

That the papers and evidence received and taken on the subject during the Third Session of the Thirty-seventh Parliament be referred to the Committee.

Motion agreed to.

THE ESTIMATES, 2004-05

VOTE 10 REFERRED TO THE STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of October 19, 2004, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 2005;

That the papers and evidence received and taken on the subject during the Third Session of the Thirty-seventh Parliament be referred to the Committee; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

CITIZENSHIP ACT

BILL TO AMEND—SECOND READING

Hon. Noël A. Kinsella (Leader of the Opposition) moved the second reading of Bill S-2, to amend the Citizenship Act.—(*Honourable Senator Kinsella*).

He said: Honourable senators, I rise to speak on Bill S-2, a bill that is of great importance to people born in Canada who lost their Canadian citizenship through a peculiar wrinkle in our 1947 Citizenship Act.

Honourable senators will recall that this bill received the unanimous support of this house in the last Parliament and made its way to the other place.

Senator Cook and I wish to advance the argument that we should once again adopt the principle of this bill at second reading and have it referred to the Standing Senate Committee on Social Affairs, Science and Technology. I do not think it is necessary to repeat the argumentation because all honourable senators are quite familiar with this subject. This bill is supported by the Prime Minister and by, I believe, the vast majority of members from both sides in both Houses.

In 1977, parliamentarians recognized that there were deficiencies in the Citizenship Act of 1947. The 1947 act was amended to allow all children born in Canada after 1977 to maintain their citizenship. Unfortunately, these reforms did not apply to those who lost their citizenship between 1947 and 1977. Bill S-2 will remedy the lacuna.

I invite the support of honourable senators with regard to this bill.

Hon. Joan Cook: Honourable senators, it gives me pleasure to rise today to speak to Bill S-2. As Senator Kinsella has mentioned, the Senate gave unanimous consent to this bill in the last Parliament. Due to the dissolution of Parliament, the bill died on the Order Paper of the other place.

Honourable senators, we have an extraordinary opportunity to right a wrong and to give meaningful consideration to those individuals who have been disadvantaged by the operation of the 1947 Citizenship Act. Those people who lost their citizenship between 1947 and 1977 had no choice in the matter. They lost their citizenship as children because the old act considered them to be property of their parents with no rights of their own. Let me quote article 8 of the UN Convention on the Rights of the Child:

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality....

Those who have wanted to regain their citizenship have had to proceed through a lengthy process which in the final analysis ought to be totally unnecessary.

I hope we can once again give unanimous consent to allow this bill to proceed immediately to committee. I am proud to work with all honourable senators from both sides of the house to ensure that the right of citizenship is restored to those whom the original Citizenship Act left out.

It is our duty as parliamentarians to correct the regrettable situation and allow Canada's lost children a dignified return to the citizenship of the country of their birth.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kinsella, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

• (1550)

COPYRIGHT ACT

BILL TO AMEND—SECOND READING

Hon. Joseph A. Day moved the second reading of Bill S-9, to amend the Copyright Act.—(*Honourable Senator Day*).

He said: Honourable senators, I will be brief in reintroducing this bill since it deals with a very narrow issue. It is an attempt to take out of the Copyright Act a fiction that has been carried in it a good number of years whereby photographers are not treated as artists.

This bill has been before the Senate on two previous occasions but it has not found its way to the House of Commons. I have spoken with the Chair of the Standing Senate Committee on Social Affairs, Science and Technology and I understand that the committee is prepared to deal with the subject matter of this bill. I am hopeful that honourable senators will agree that the bill will be referred to that committee for consideration.

Honourable senators, since I last spoke on this issue of photographers having the same rights as other artists and being treated as artists, the House of Commons Standing Committee on Canadian Heritage has dealt with this issue and has prepared a report which, in part, states:

The Committee feels that photographers should be given copyright protection in their works equal to that enjoyed by other artists. Historically, photographs have been treated differently from other categories of works because they were perceived to be more mechanical and less creative than other art forms. This idea is outmoded and inappropriately treats photographers differently from other artists.

The committee went on to recommend that the Copyright Act take out that fiction and treat photographers like all other artists.

Honourable senators, during previous incarnations of this bill, former Senator Setlakwe spoke on this matter. He noted that the time had come for photographers to have equal rights to those recognized as authors and be entitled to copyright. Copyright flows from creativity in the normal course of events. Photographers have not been treated in that manner.

Senator Setlakwe cited members of his family who have suffered as a result of this particular fiction in the Copyright Act, including George Nakash from Montreal. Joseph Karsh and his brother Malak Karsh from Ottawa are examples of photographers who would have benefited from the adoption of this amendment.

In addition, Senator Setlakwe pointed out that the United Kingdom and the United States have each recognized the rights of photographers to copyright privileges and that it is time that the Canadian government followed suit. It is difficult to speculate on why we have not, honourable senators, but it is probably because the Copyright Act requires so much work and so many amendments that this small item keeps being overlooked in the much larger requirement for amendments and nothing gets done. These sentiments were echoed by the Honourable Senator Corbin when he spoke, noting how difficult it has been in the past for hard-working photographers to achieve simple recognition, even by their employers.

In a studious review prepared by Senator Beaudoin in relation to a predecessor of this bill as well, he cited Supreme Court of Canada decisions to make the point that this bill recognizes "the commercial value of a photograph while not putting photographers at an economic disadvantage."

Following these comments, my colleague the Honourable Senator Banks pointed out that the adoption of the bill would allow the Government of Canada to remain consistent with the international conventions our country has signed in relation to copyright, although it has not followed through with amendments to this act.

Honourable senators, I am hopeful that we can send this bill to the Standing Senate Committee on Social Affairs, Science and Technology for detailed study.

I thank honourable senators for their attention.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Day, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

Hon. Jeremiah S. Grafstein, pursuant to notice of October 7, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system;

That the papers and evidence received and taken on the subject during the Thirty-seventh Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than December 31, 2005.

He said: Honourable senators, these are the terms of reference for the Banking Committee. I understand that they are the basic terms of reference that have been adopted for the last decade. This will allow the committee to commence a review of the outstanding issue and evidence before the committee and to give it an opportunity to chart the future course of the business of the committee.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, it is my clear understanding that Senator Grafstein is simply proposing a continuation of previous work.

Can he inform the chamber if he is in the process of establishing budgets for this work?

• (1600)

Senator Grafstein: We will present a budget once we chart the actual activity of the committee.

The Hon. the Speaker: I see no senator rising to speak or intervene further. Are honourable senators ready for the question?

Hon. Senator: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Eymard G. Corbin, pursuant to notice of October 19, 2004, moved:

That the Standing Senate Committee on Official Languages have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

He said: Honourable senators, there will be no unusual request. The research assistants we obtain are supplied to us by the Library of Parliament. Should something unusual come up, we will follow the usual route.

Motion agreed to.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Jeremiah S. Grafstein, pursuant to notice of October 19, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Jeremiah S. Grafstein, pursuant to notice of October 19, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Colin Kenny, pursuant to notice of October 19, 2004, moved:

That the Standing Senate Committee on National Security and Defence have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY NATIONAL SECURITY POLICY

Hon. Colin Kenny, pursuant to notice of October 19, 2004, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the national security policy of Canada. In particular, the Committee shall be authorized to examine:

- (a) the capability of the Department of National Defence to defend and protect the interests, people and territory of Canada and its ability to respond to and prevent a national emergency or attack, and the capability of the Department of Public Safety and Emergency Preparedness to carry out its mandate;
- (b) the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyze and disseminate information and how these functions might be enhanced;
- (c) the mechanisms to review the performance and activities of the various agencies involved in intelligence gathering; and
- (d) the security of our borders and critical infrastructure.

That the papers and evidence received and taken during the Thirty-seventh Parliament be referred to the Committee; and

That the Committee report to the Senate no later than March 31, 2006 and that the Committee retain all powers necessary to publicize the findings of the Committee until May 31, 2006.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I have a question for Senator Kenny. Is this an ongoing study that had already been approved in the previous parliament, or is this an entirely new study?

Senator Kenny: Honourable senators, this is almost precisely the same order of reference as we had in the last two sessions. The only addition is the two words "critical infrastructure" under paragraph (d), in as much as the responsibility for critical infrastructure shifted from the Department of Defence to the Department of Public Safety and Emergency Preparedness. The committee's intention is to continue with the work that it has been doing, paying particular emphasis to reviewing the work of the Department of National Defence, which is covered in paragraph (a).

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Colin Kenny, pursuant to notice of October 19, 2004, moved:

That the Standing Senate Committee on National Security and Defence be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

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(HANSARD)

Thursday, October 21, 2004

—◆—
THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Thursday, October 21, 2004

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

TRIBUTE

HONOURABLE JEAN-ROBERT GAUTHIER

The Hon. the Speaker: Honourable senators, the Honourable Jack Austin, Leader of the Government in the Senate, has sent me the following letter:

Pursuant to rule 22(10), I request that the time provided for the consideration of Senators' Statements be extended for the purpose of paying tribute to the Honourable Senator Jean-Robert Gauthier, who will be retiring on October 22, 2004.

I would remind the senators that the *Rules of the Senate* limit their speeches to a maximum of three minutes, and that no senator may speak more than once.

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, we pay tribute to our colleague the Honourable Jean-Robert Gauthier today on the occasion of his retirement from 32 years of service in the two Houses of Parliament. During the period of time that Senator Gauthier was a member of Parliament in the House of Commons, he held the positions of Leader, Deputy House Leader and Chief Whip of the Official Opposition, as well as Parliamentary Secretary to the Minister of State for Urban Affairs. Senator Gauthier's long record of experience was recognized by his colleagues and evidenced by the broad support he enjoyed in the 1994 election for Speaker of the House of Commons.

Throughout his career, Senator Gauthier has been vigorous in enforcing the practices of Parliament and defending the rights of his fellow parliamentarians. I believe I can safely say that I am not the only colleague who has been the object of Senator Gauthier's famous persistence on matters he believes are important to Canadians.

[Translation]

Senator Gauthier made a huge contribution to the common good through his support of such causes as Montfort Hospital, francophone rights in the capital, and most recently, this past month in fact, access by residents of Quebec to Ontario's French-language television station.

[English]

Senator Gauthier has served on numerous committees but has become closely associated with one committee in particular, that of the Standing Senate Committee on Official Languages. Senator

Gauthier's dedication to providing access to both official languages has raised our awareness of this indigenous aspect of Canadian society. He has been a standard bearer for language rights that are now an integral part of our national identity on the world stage.

Senator Gauthier has received many awards for his public service, receiving the *Mérite Franco-Ontarien* and the honour of *Commandeur de l'Ordre de la Pléiade* for his advocacy of French language and culture.

Senator Gauthier, we have behind the bar today Mr. Mauril Bélanger, who won the Liberal nomination in Ottawa—Vanier and went on to win the by-election that came after your resignation. I wish to tell you that he had asked me if he could come to pay his personal respects to you. He is now, as you know, the Deputy Leader of the Government in the House of Commons.

The extent of Senator Gauthier's devotion to public service was made clear when, in 1996, he contracted a life-threatening disease. The struggles he faced to become again a contributing member to this house are commendable beyond any question. He made an enormous expression of the will to continue and he has been a great success in recovering and contributing.

We remember you, Senator Gauthier, for that triumph and for your courage, your persistence and your devotion to the values of public life in which you believe.

Hon. Senators: Hear, hear!

[Translation]

Hon. Gerald J. Comeau: Honourable senators, I rise today to pay tribute to our colleague the Honourable Jean-Robert Gauthier on the occasion of his retirement from the Senate. I wish him good health and a good rest in the company of his charming wife Monique and his many friends. He deserves a rest, after three decades of service to our country.

For years we have benefited from his untiring efforts in promoting and enriching life in French in Canada, and his devotion to defending the rights of anglophones and francophones living in a minority situation anywhere in Canada.

Senator Gauthier has worked on behalf of the people of Canada to defend causes that were not always popular, and that were not always fully backed by governments, his own and others, or even by his own colleagues. Anyone daring to fault him for the passion with which he defended and promoted his cause, the respect of our two official languages, quickly became the object of his wrath.

Senator Gauthier has shown great courage in sticking to his convictions no matter what. He has distinguished himself by his perseverance, his courage, and his efforts to advance the linguistic duality of Canada. An inspiration, an agitator, an innovator, a reformer, he has made an invaluable contribution to Parliament.

[English]

To those who have listened to his remarks and speeches over the years, they will know that he has always promoted respect for the two official languages of Canada. He has always been committed to the English language as he has to the French language.

[Translation]

Senator Gauthier's door was always open for advice, no matter what one's political affiliation. I, too, want to express my most sincere thanks to him for all his kindness and consideration. His presence in this chamber and the other place has enriched Parliament and public political life in Canada. We are all in his debt and I am sure we have not heard the last of Senator Gauthier.

Hon. Marie-P. Poulin: Honourable senators, it is an honour for me, although a sad one, to pay tribute to my Franco-Ontarian colleague, my friend, the Honourable Jean-Robert Gauthier, as he retires. One thing is certain: Senator Gauthier has always been a man of great intensity. Jean-Robert is a man of principle, a man of causes, deeply concerned with the affairs of his Senate division — Ottawa-Vanier — his province, his country, and la Francophonie throughout the world.

• (1410)

His determination and his sense of duty have earned him the respect of this chamber and the admiration of the other. Yes, he is leaving more than just the Senate; he is leaving Parliament Hill, where he has served his country for 32 years.

Honourable senators, across Ontario, from Ottawa to Sudbury and beyond, the name Gauthier symbolizes pride, devotion and involvement.

To those qualities our colleague Jean-Robert has added courage in the face of adversity. We were already his admirers when he began to have health problems and despite those problems he has never lost his passion; first, to promote official bilingualism in the nation and the capital city; second, to contribute to the blossoming of the French fact in Ontario; and third, to lend his strength to the many noble causes that a minority must shoulder.

If French-speaking Ontario had not had the Honourable Jean-Robert Gauthier as its devoted knight, we would have had to invent him.

Senator Gauthier, this place will never be the same without you. Your leaving is our loss. Please know that you can count on us to continue defending the values you personify.

To you, Jean-Robert, and your wonderful wife Monique, who is with us today, your children and your staff, we wish a well-deserved retirement.

[Senator Comeau]

Hon. Pierre Claude Nolin: Honourable senators, it is with great respect and great sadness that I rise today to pay tribute to our colleague Jean-Robert Gauthier, on his leaving the Senate. Allow me to address him directly.

Jean-Robert, I did not know you too well before you came to the Senate. I knew you by name. When I saw you came to the Senate from the House of Commons, I imagined a colleague who could potentially be partisan — too partisan for my liking — and it was with great enthusiasm that I discovered in you a most affable colleague who could engage in partisanship on occasion. But when the interests of citizens, and French-speaking citizens in particular, were at stake, that is when we would set our partisan thoughts aside.

It is with great sadness that I wish you happy birthday. I am saying goodbye to a colleague who made an impression on me. Never before had I met a person who could personify an ideal of determination.

All the honourable senators agree with me, when I say that you have gone through ordeals and overcome them while staying on course with your political objectives. For that reason, we are losing today a colleague, and you will be missed. Given that you do not live too far away, like Senator Beaudoin, from time to time, we will gladly call on you for help.

Be forewarned!

Hon. Lise Bacon: Honourable senators, the contribution of Senator Jean-Robert Gauthier to parliamentary business, both in the Senate and the House of Commons, has to be recognized and saluted because it is, admittedly, considerable. Senator Gauthier has been sitting in this Parliament of Canada since 1972. For the past thirty years, he has been defending steadfastly and vigorously the many causes he has espoused. He sat in the House of Commons for nearly twenty years, and ten in the Senate, in spite of life's challenges, carrying on the fight to get his point across and gain recognition for the soundness of his convictions.

Senator Gauthier is a man of principle who entered politics not to make a career there and accumulate prestigious roles and titles, but to promote and defend the values dear to him. He has always put his beliefs ahead of professional ambition. That is not to say that he lacked ambition, quite the contrary. He channelled his ambition into a number of battles to improve the lives of the people of Ottawa-Vanier, to make Ottawa a bilingual city, to gain respect and recognition for French and francophones in federal institutions and in the public service, to improve support for deaf people, and the list goes on.

He is a fighter who never gives up. I have witnessed his tenacity on many occasions. He sees things through and never loses sight of his goal. He is very motivated and has fought throughout his entire political career to improve the conditions of Franco-Ontarians and francophones across Canada.

He fought tirelessly for the rights of francophones in minority communities, even before he arrived on Parliament Hill. For that, Senator Gauthier deserves our respect and admiration. Before he leaves, I would like him to know how much I admire his work and respect his conviction.

To be a good politician, one needs to have strength and the courage of one's convictions. These two qualities have served Senator Gauthier well throughout his career.

Again, I would like to say farewell to a colleague whose courage and candour I respect.

Senator Gauthier, I wish you many more challenges in the future and the desire to take them up. I have no doubt you will actively defend the many causes you are passionate about for a long time to come.

[English]

Hon. Wilbert J. Keon: Honourable senators, I join you today to celebrate one of our colleagues, Senator Jean-Robert Gauthier. I would like to take a few moments to highlight some of the accomplishments of Senator Gauthier after about 40 years of public and parliamentary life. Being from Ottawa, I was well aware of his career as a politician and the important role he played in representing his constituents from Ottawa-Vanier. In that capacity, he was always approachable and helpful, no matter who came calling on him on whatever issue. I was one of those who approached him in the early days of the Heart Institute as it came together, and I can assure you that he was much more than helpful.

As a senator, he has continued to work on the issues near and dear to his heart: foreign affairs, health, the Francophonie, people with hearing disabilities, and of course official languages. He is still dedicated to the passage of his bill, an act to amend the Official Languages Act, promotion of English and French, supporting the linguistic duality of Canada.

All of us watched with admiration as he struggled with the terrible illness and disability which befell him. Despite all this adversity, he continued to do his job and make monumental contributions.

[Translation]

The causes he has defended are not just local, but national. He has dealt with issues concerning TFO, Vidéotron, Air Canada, RDI and Radio-Canada, to name but a few.

He also took the bull by the horns in order to continue his parliamentary career when faced with a new challenge: deafness. Thanks to his interventions, our Senate is the only legislature in the world that offers computer-assisted transcription services.

To some extent, Senator Gauthier has become our conscience as far as Canada's official languages are concerned.

[English]

I had the pleasure of serving with Senator Gauthier on the Standing Senate Committee on Official Languages. It became

obvious as we travelled across the country that he was the true hero of the Canadian francophone community. It has been an honour and a privilege to serve with him.

• (1420)

[Translation]

You are leaving a huge gap with your departure. I hope that a number of others will come along to carry the torch. My best wishes for good luck and good health in your future endeavours.

[English]

The Hon. the Speaker: Honourable senators, I regret that the time for tributes has expired. However, we now go to Senators' Statements.

Before I turn to Senator Prud'homme, the table officers are wondering when I will give Senator Gauthier his right to respond. I intend to do so after the remaining tributes, if that is in order.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I remember, when I was a student, a political figure who was an MP in Ottawa, who became a minister under Jean Lesage and who wrote a book entitled *Malgré les obstacles*. He was the Honourable Bona Arseneault, a very colourful man in Quebec politics both in Ottawa and Quebec City.

This morning I was looking for something different to say on this memorable day. The honourable senators before me have talked about his career. My good friend Senator Bacon has talked about his political career. Senator Poulin talked about his career as a defender of causes, which Senator Gauthier has always been.

I read in *Le Droit* that, despite frequent insults, Senator Gauthier always stood firm as a rock.

Senator Gauthier and I have always had a number of things in common. It has always been my pleasure to act as his vice-president, the humble servant of Jean-Robert Gauthier outside Quebec, a defender of what he represents and a defender of him in his persona as a francophone outside Quebec, although I do not like that term very much. He is a vibrant French-Canadian nationalist from outside Quebec, so you can imagine the things we have in common, since I think I am a vibrant French-Canadian nationalist from inside Quebec. But the thing that unites us is that we are both federalists, each in our own way.

Senator Gauthier can boast that he has had much success in his life. Among other things, he can boast that he took part in the great march, as I did, to save the Montfort Hospital. For the first time in my life, I carried a sign through the streets of Ottawa.

I had, in the past, organized demonstrations in the streets of Ottawa, but I had never carried a sign. Still, Montfort had to be saved.

Something that pleased me a great deal when I arrived at this large public demonstration, coming from all quarters of the city of Ottawa, was the fact that thousands of people rose as one when Senator Gauthier took the stage along with his medical assistants. It was an ovation and a moment of triumph that expressed exactly what we want to say today about Jean-Robert Gauthier.

Senator Gauthier is indeed a stubborn person! How else could he manage to convince his colleagues, who are often indifferent, to ask themselves: Why are we here? How could one win causes without being stubborn? And Senator Gauthier has won causes throughout his life. He has fought for his people with dignity. He has fought for his health with dignity. He has amazed us and won us over by his strength of character. To a large extent, he owes that strength of character to those closest to him, his wife Monique, and his children Jean-François, Pierre, Vincent and Nathalie.

Today, in the presence of his family and staff, he is being praised by his colleagues. I can assure you that this praise is well deserved, because we know him and we love him.

Hon. Serge Joyal: Honourable senators, it is a privilege to pay tribute today to Senator Jean-Robert Gauthier, a comrade in the House of Commons and in the Senate for the past 30 years.

Senator Gauthier's commitment to pursuing his ideal and his vision of our country has been constant, unfailing and uncompromising.

He shares the conviction that francophones have an inalienable right to speak their language, to live and to get an education in French, and to fully participate in the life and institutions of our country.

Senator Gauthier's most significant action was to vote against the 1981 constitutional resolution recognizing section 23 of the Charter and the right to have access to French schools, but only "where the number so warrants." He has always been outraged by this provision.

Senator Gauthier never wanted to be a mere number when it came to exercising his rights. As far as he is concerned, a right is a right is a right.

He fought openly against the meanness of numbers, seeing them more as a way to count the victims of assimilation and humiliate individuals than a way to make people proud to speak their language, the language of their country, as he so aptly says.

This morning, it was reported by the media that a Nova Scotia court has just ruled that the clause "where the number so warrants" regarding the delivery of services by the RCMP in the region of Amherst, in the northwest of the province, violates the *Official Languages Act* and the Charter, even though francophones only make up 3 per cent of the population there.

Senator Gauthier's argument has been heard in court; let us hope it will be confirmed by the highest court in the country.

[Senator Prud'homme]

Senator Gauthier's vote on the 1981 resolution left him wounded because he has always believed so strongly in the value of charters and court protection against the indifference of governments and sometimes against the strength of prejudice. Nonetheless, he has always expressed great respect for his anglophone fellow citizens. He is courteous and diplomatic and has never displayed antagonism toward the other official language community.

His commitment to the recognition of the rights of francophones to manage their own education system achieved significant results across the country. He leaves us to continue the fight to have Ottawa recognized as a bilingual capital, because this city must be a reflection of the ideal of Canada's aspirations.

In lending his voice and the strength of his commitment to supporting the recognition of our rights, he has continued to make Canada a society that is more humanitarian and more sensitive to the plight of minorities, all minorities, especially Aboriginals. As he so rightly says: "We debate and we have rights, but when I think of the Aboriginals, so much needed to be done."

Independent, unassuming, passionate, yet profoundly human, he transformed his physical handicap into a tool for persuasion, which, I hope, will lead this Parliament to pass this very important amendment to the *Official Languages Act* that he piloted.

Honourable senators, on Monday I wrote to the executive director of the Canadiana Fund to say that the portrait of King Francis I, which I donated two years ago to enhance the Salon de la francophonie, should be dedicated to Senator Gauthier for his commitment to the recognition of the rights of official language minorities in the country.

King Francis I was the first to lay claim to Canada in 1534, and was also the first to pass an edict in 1539 in Villers-Cotterêts, making French the language of government and the courts.

• (1430)

This is a lasting tribute to a man who is fair, a man of integrity, with a desire to serve his community.

[English]

The Hon. the Speaker: Honourable senators, I have been asked to leave time for two statements today. To do that, and to respect the understanding I have from the chamber, I will now call on Senator Jean-Robert Gauthier for his response, following which I will return to Senators' Statements for two statements: one by Senator Cochrane and one by Senator Carstairs. I remind honourable senators of Senator Carstairs' notice of inquiry that will allow for further tribute to Senator Gauthier.

Senator Gauthier.

Hon. Senators: Hear, hear!

Translation]

Hon. Jean-Robert Gauthier: Honourable senators, I am touched. My sincere thanks to you all; you are good-hearted people for whom I have a great deal of respect. I also thank my family, of which I am very proud: my wife Monique, my children and grandchildren. I want to thank everyone working for the Senate: His Honour the Speaker and his advisors, the clerks; the security guards, always making us feel welcome; the stenotypists, my guardian angels, without whom I could not follow what is going on and carry out my duties; thank you to all those who have contributed directly or indirectly to making life easier for a person with a disability.

I will not get into my problems, because I have more than the average person. It is not easy to function in premises that are not adapted: it is difficult to get around, to understand what people are saying when you are hard of hearing, and to see when you have lost sight in one eye. However, I have always been surrounded by people who were protective of me, friends and advisers.

At my office, I always had competent and hardworking assistants who had foresight and anticipated my needs. When I first tackled a cause, they knew this involved a certain amount of research. I take this opportunity to thank the Library of Parliament, which provides extraordinary service to parliamentarians in the form of very useful research papers.

I do not have enough time to list everyone I wish to thank, including my former colleagues in the House of Commons, but I will make an exception for the late former Speaker of the Senate, Gildas Molgat. This is difficult for me, because he was a good friend. He would visit me both in the hospital and at home. When I eventually came back, I had a hard time moving around, I was somewhat awkward, and he would take the time to come and cheer me up, saying: "Hang in there!" There is nothing he did not do to help me. He had audio systems installed, the infrared, the wiring, but nothing worked. The medications I was given had made me deaf.

I sincerely thank Senator Carstairs. She is an exceptional soul with a gift for recognizing the needs of people with disabilities. I cannot tell you how much I appreciated all the help you have given me. Thank you so very, very much! It was very encouraging and stimulating for me.

[English]

This place means a lot to me. As I said before, I was a young nine-years old when I first came here with my grandfather, who was Assistant Clerk of the Senate at that time. I came here in 1939 to meet the King of England and his wife on their visit to Canada. My grandfather said, "You are going to come and meet the King of England," so I went with him. I was impressed.

My grandfather raised me. One must understand that my mother did not speak French. She was not very fortunate either. My father left her with two children in 1933. I was put into an orphanage for a few years. My grandfather took me out of the orphanage in 1938 and brought me to his home. I have one hero: my grandfather. To see him here made me very proud of him.

I never thought that I would come to this chamber as a member of the Senate. The day that Jean Chrétien, the former Prime Minister, phoned to offer me this position, I accepted. I was very proud and very honoured. I tried to work as hard as I could to contribute somewhat to this place and to Canada, because we all love our country very much. However, I think people in this place do not snap their suspenders strongly enough. Senators do good work. Do not let those media people take you on and tell you that this place is a waste of time. That is not true. I know because I have been in both places. If anybody wants to reform some place, they should reform the other place.

Hon. Senators: Hear, hear!

Senator Nolin: More, more!

Senator Gauthier: I do not want to drag on.

There are many things that I could say on asymmetrical federalism or the "Belgiumization" of Canada. Come on! This place would never ever accept such nonsense.

I do not think the Canadian people know enough about the Senate. I say very honestly that I do not think we impart our message clearly enough. I think every senator should send out householders as a habit. I did it for years. I put out a householder saying what I was trying to do and what we were doing in the Senate. Every three months the Senate administration supplies us with a résumé of the work of this place. We should push people to understand that we are not here as partisan politicians as much as we are here as experienced people with institutional memory.

Honourable senators, we have a commitment to Canada. We love this country. We respect the differences in people because there are all kinds of Canadians. I have a lot of time for people who want to join all of us here to make this country a much better place.

Honourable senators, I believe that we can change things. I believe that senators can make things better. I have tried hard to make life a bit more agreeable for Canadians. I have worked on many issues. I am very proud to say today that the issues I worked on were the people's issues — issues that I heard in my riding all the time. For example, people talked about minority rights in my riding. I was brought up in Lower Town with many minorities, such as the Blacks and the Jews. We had a few immigrants, but not very many. They were all friends of mine. I grew up with people who were different, but I learned to respect them for who they were and what they offered.

Honourable senators, the Senate has a lot to offer because there are a variety of points of view and a variety of people in this chamber. We are representative of Canada and, as such, should be working toward bettering this country.

I want to thank you all for what you said. Do not exaggerate a bit.

• (1440)

I have a cane, the top of which is an eagle's head. It is a sign of determination. Senator Gill gave me this cane. It is a walking stick, actually, made by one of his colleagues. He said he gave it to me because I am determined.

[Translation]

His French was a little more plain-spoken.

[English]

I said, "What's this, a snake?" He said, "It is a snake. For the Indians of Canada, it is a symbol of humility." He added, "Remember, remain humble."

Again, thank you very kindly for your remarks. I accept them all.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, we now return to the balance of our time for Senators' Statements.

LITERACY ACTION DAY

Hon. Ethel Cochrane: Honourable senators, I rise today in recognition of Literacy Action Day on Parliament Hill. In recent years, our attention to literacy skills development seems to have increased, and rightfully so. After all, literacy is for life, and literacy skills are critical to our success in the new knowledge economy.

When we speak of literacy skills, we are referring to the whole set of skills used in reading, in writing and in mathematics. Today, approximately 5 million adult Canadians experience serious difficulties in these areas. However, as a former reading specialist, I would like to focus for a moment on the value of reading and the importance of fostering a love of reading in our children.

Researchers at the University of Illinois found that "even 10 minutes of independent reading a day was enough to place fifth graders in the seventieth percentile of reading comprehension." Meanwhile, 20 minutes of reading a day was found to boost them into the ninetieth percentile. That is a staggering improvement.

Perhaps even more impressive is that great gains in literacy skills can be made in simple ways, without the need of modern technology or expensive tools. According to the Commission on Reading, a committee in the U.S., "the single most important quality for building the knowledge required for eventual success in reading is reading aloud to children."

Honourable senators, to help young children get better at reading we can follow a simple formula: The more you read, the better you get at it; the better you get at it, the more you like it; and the more you like it, the more you do it. The more you read, the more you know; and the more you know, the smarter you grow.

It was with that in mind that I read comments this week by prolific Canadian author Pierre Burton. He urged parents not to

worry about what their children are reading but simply to encourage them to read. Children, he said,

...will find what they want to read themselves. I don't necessarily look for a book to learn something. I look for a book to entertain myself. That's what great literature does. It entertains you.

I could not agree more.

While ultimately federal government leadership is necessary to promote literacy among Canadians, we have a role to play. There are many ways to contribute. We can start at home by reading aloud to our grandchildren and our families, giving books as gifts or supporting literacy initiatives in our own towns and in our regions. Whatever the approach, I encourage all of us here and, indeed, Canadians to get involved and take action on literacy.

CHILD ABUSE

Hon. Sharon Carstairs: Honourable senators, on September 29, 2004, the Joint Statement on Physical Punishment of Children and Youth was formally launched at CHEO. The joint statement was developed by a national partnership of organizations concerned about the well-being of children and their families. Based on extensive research evidence, the joint statement provides an overview of developmental outcomes associated with the use of physical punishment on children and youth. It relates to the strong evidence that physical punishment places children at risk for the following: physical injury; poorer mental health; impaired relationships with parents; weaker internalization of moral values; anti-social behaviour; a poorer adult adjustment; and tolerance of violence in adulthood.

On the basis of the clear and compelling evidence that the physical punishment of children plays no useful role in their upbringing and poses only a risk to their development, the joint statement strongly encourages parents to develop alternative and positive approaches to the disciplining of their children.

The joint statement has been formally endorsed by 140 organizations concerned with the well-being of children, including the Canadian Nurses Association, the College of Family Physicians of Canada, the Canadian Paediatric Society, the Canadian Public Health Association, the Canadian Institute of Child Health, the Canadian Association of Social Workers, the Canadian Red Cross, YMCA, YWCA, the John Howard Society and a host of children's hospitals, family service organizations and child welfare organizations.

Honourable senators, as we near the end of the YWCA Week Without Violence, I challenge you again to support initiatives such as the Joint Statement on Physical Punishment of Children and Youth, and I challenge you to remember and to imagine a Canada free from violence against children.

[Senator Gauthier]

[Translation]

ROUTINE PROCEEDINGS

PUBLIC ACCOUNTS OF CANADA

TABLED

Hon. Fernand Robichaud (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, a report entitled: *Public Accounts of Canada*.

ANTI-TERRORIST ACT

ANNUAL REPORT 2002-03 TABLED

Hon. Fernand Robichaud (Acting Deputy Leader of the Government): Honourable senators, I also have the honour to table two copies, in both official languages, of a report entitled: *The Anti-Terrorism Act — Annual Report concerning Investigative Hearings and Recognizance with Conditions* (December 24, 2002 to December 23, 2003).

LEGAL AND CONSTITUTIONAL AFFAIRS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Lise Bacon: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour of tabling the first report of the Standing Senate Committee on Legal and Constitutional Affairs, dealing with the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 79.)

OFFICIAL LANGUAGES ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Eymard G. Corbin, chair of the Standing Senate Committee on Official Languages, presented the following report:

Thursday, October 21, 2004

The Standing Senate Committee on Official Languages has the honour to present its

SECOND REPORT

Your committee, to which was referred Bill S-3, *An Act to amend the Official Languages Act (promotion of English and French)*, in obedience to the Order of Reference of Thursday, October 7, 2004, has examined the said bill and now reports the same without amendment.

Respectfully submitted,

EYMARD G. CORBIN
Chairman

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Eymard G. Corbin: With leave of the Senate and notwithstanding rule 58(1)(b), I move that the bill be placed on the Orders of the Day for third reading later this day.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

• (1450)

[English]

SCRUTINY OF REGULATIONS

FIRST REPORT OF COMMITTEE PRESENTED

Hon. John G. Bryden, Joint Chairman of the Standing Joint Committee for the Scrutiny of Regulations, presented the following report:

Thursday, October 21, 2004

The Standing Joint Committee for the Scrutiny of Regulations has the honour to present its

FIRST REPORT

Your Committee reports that in relation to its permanent reference, section 19 of the *Statutory Instruments Act*, R.S.C. 1985, c. S-22, the Committee was previously empowered "to study the means by which Parliament can better oversee the government regulatory process and in particular to enquire into and report upon:

1. the appropriate principles and practices to be observed

a) in the drafting of powers enabling delegates of Parliament to make subordinate laws;

b) in the enactment of statutory instruments;

c) in the use of executive regulation - including delegated powers and subordinate laws;

and the manner in which Parliamentary control should be effected in respect of the same;

2. the role, functions and powers of the Standing Joint Committee for the Scrutiny of Regulations."

Your Committee recommends that the same order of reference together with the evidence adduced thereon during previous sessions be again referred to it.

Your Committee informs both Houses of Parliament that the criteria it will use for the review and scrutiny of statutory instruments are the following:

Whether any Regulation or other statutory instrument within its terms of reference, in the judgement of the Committee:

1. is not authorized by the terms of the enabling legislation or has not complied with any condition set forth in the legislation;
2. is not in conformity with the *Canadian Charter of Rights and Freedoms* or the *Canadian Bill of Rights*;
3. purports to have retroactive effect without express authority having been provided for in the enabling legislation;
4. imposes a charge on the public revenues or requires payment to be made to the Crown or to any other authority, or prescribes the amount of any such charge or payment, without express authority having been provided for in the enabling legislation;
5. imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
6. tends directly or indirectly to exclude the jurisdiction of the courts without express authority having been provided for in the enabling legislation;
7. has not complied with the *Statutory Instruments Act* with respect to transmission, registration or publication;
8. appears for any reason to infringe the rule of law;
9. trespasses unduly on rights and liberties;
10. makes the rights and liberties of the person unduly dependent on administrative discretion or is not consistent with the rules of natural justice;
11. makes some unusual or unexpected use of the powers conferred by the enabling legislation;
12. amounts to the exercise of a substantive legislative power properly the subject of direct parliamentary enactment;
13. is defective in its drafting or for any other reason requires elucidation as to its form or purport.

Your Committee recommends that its quorum be fixed at 4 members, provided that both Houses are represented whenever a vote, resolution or other decision is taken, and that the Joint Chairmen be authorized to hold meetings to receive evidence and authorize the printing thereof so long as 3 members are present, provided that both Houses are represented; and, that the Committee have power to engage the services of such expert staff, and such stenographic and clerical staff as may be required.

Your Committee further recommends to the Senate that it be empowered to sit during sittings and adjournments of the Senate.

Your Committee, which was also authorized by the Senate to incur expenses in connection with its permanent reference relating to the review and scrutiny of statutory

instruments, reports, pursuant to Rule 104 of the *Rules of the Senate*, that the expenses of the Committee (Senate portion) during the Third Session of the Thirty-seventh Parliament were as follows:

Professional and Other Services	\$ 202
Transport and Communications	\$ 0
All Other Expenses	\$ 396
Total	\$ 598

A copy of the relevant Minutes of Proceedings and Evidence (Issue No. 1, First Session, Thirty-Eighth Parliament) is tabled in the House of Commons.

Respectfully submitted,

JOHN G. BRYDEN
Joint Chairman

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bryden, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

CANADA-JAPAN INTERPARLIAMENTARY GROUP

THIRTEENTH ANNUAL BILATERAL MEETING,
AUGUST 22-28, 2004—REPORT TABLED

Hon. Marie-P. Poulin: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Japan Interparliamentary Group on the thirteenth annual bilateral meeting held at Toronto, Cambridge, Niagara-on-the-Lake and Banff, from August 22 to 28, 2004.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Lise Bacon: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Lise Bacon: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

[English]

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

SPONSORSHIP PROGRAM— INVOLVEMENT OF PRIME MINISTER

Hon. David Tkachuk: Honourable senators, the Prime Minister continues to hide behind the Gomery commission by refusing to answer questions about his staff intervening in the sponsorship program on behalf of a Liberal fundraiser.

Given that the Prime Minister continues to stonewall the other place, perhaps the Leader of the Government in the Senate could answer this question: When did the Prime Minister know that his office was calling Alfonso Gagliano to secure sponsorship money for the Liberal fundraiser?

Hon. Jack Austin (Leader of the Government): Honourable senators, the Gomery commission has been put in place to examine every possible issue that arises out of the sponsorship inquiry. I believe, and it is the view of the government, that questions with respect to matters that are before the Gomery commission should be left there.

Senator Tkachuk: Honourable senators, the government cannot avoid answering questions about the sponsorship scandal by continuing to refer to the Gomery commission. This has nothing necessarily to do with the Gomery commission. This is a question of Parliament. The Prime Minister, by his own statements, has said that he wants to get to the bottom of this matter, yet he refuses to answer questions in this regard.

Last spring, the *National Post* reported that in February of 2002, while he was still in cabinet, Paul Martin received a letter from the party's policy chair, Akaash Maharaj, asking that he prepare a fact-based reply to the growing rumours that funds from the sponsorship program were being diverted through advertising firms closely linked to the Liberals. It was, in Mr. Maharaj's words, "a creeping miasma over the party," and the Prime Minister continues to pretend he knew nothing about "adscam." Did the Prime Minister ever bring this letter or the questions on "adscam" with regard to the sponsorship problems to the attention of the Leader of the Government in the Senate or to past leaders of the Liberal Party in the Senate?

• (1500)

Senator Austin: Honourable senators, this issue arose prior to the last election and was debated in the last election. The letter from Akaash Maharaj is a well-known letter, and there is nothing new in the comments of Senator Tkachuk.

I believe the best way to find objectively what took place — whether anything was done that was illegal or improper, whether anyone carries any particular responsibility — is by way of the

Gomery commission. That is what the opposition parties asked for. They asked for a thorough, impartial investigation, and that thorough, impartial investigation is underway.

Senator Tkachuk: I understand that that investigation is underway. I did not ask a very difficult question of the government leader. I simply asked whether the government leader was made aware of that letter by the Prime Minister. Did the Prime Minister ever bring to the government leader's attention what was transpiring in the sponsorship scandal or information about the letter he had received from the party's policy chair, which is an important person in the Liberal Party of Canada? Government members cannot refuse to talk about or answer any questions about this matter. They cannot simply leave it to the Gomery commission to come up with answers. Government members have a responsibility to Parliament. The government leader in this place has a responsibility to tell us what he knew, what his past leader knew and what the current Prime Minister knew. The government leader cannot just say, "We have the Gomery commission out there." It is important that he ask those questions.

The Prime Minister was out of office when the Auditor General tabled her report last February. Did the Prime Minister at that time make any calls to his former staffers to find out whether anyone from his office had been involved in "adscam"; or did he make any calls to members of Parliament or senators who were supporting him in his leadership attempts to see whether they were involved in the sponsorship scandal?

Senator Austin: Honourable senators, Senator Tkachuk has made an error of fact. The tabling of the Auditor General's report was February 10 of this year and Prime Minister Martin was in office at that time. It certainly is an event that I recall with real clarity.

With respect to the rest of Senator Tkachuk's question, his party is represented by counsel before the Gomery commission. The best way for these issues to be dealt with is by counsel in the order of proceedings of the Gomery commission. That is what lawyers call the best evidence, and that will be the place where these issues are best examined objectively. That is what Canadians want. Canadians want an objective analysis of what took place, a clear appraisal, an untainted bipartisan argument.

Hon. Senators: Hear, hear!

Senator Tkachuk: It was the Prime Minister who said to Parliament that he wanted to get to the bottom of this matter and that he did not know anything about it.

Information is now coming out that he did know something about it. Whether a Prime Minister tells Parliament the truth is a matter of Parliament, a matter of the other place and of this place. Hence, these questions should be answered by the leader in this place.

Senator Austin: Honourable senators, we can continue with the questioning and the responding, but the Prime Minister is in the other place and he can be asked questions directly in the other place as to his conduct.

The Prime Minister, however, is entirely entitled to say that we have a judicial commission investigating all of the facts and the behaviour of all of the relevant people, and that commission will come to a conclusion as to whether anyone has conducted themselves improperly and/or illegally.

In addition, the process in question is one that has been accepted by the Canadian people as the right process, and I certainly believe it is the right process.

FOREIGN AFFAIRS

CANADA CORPS—MANDATE, MAKE-UP AND INVOLVEMENT WITH CANADEM

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate.

In his reply to the Speech from the Throne in February — and I emphasize February — the Prime Minister promised to create Canada Corps. Nearly nine months after Canada Corps was conceived, this government has failed to effectively give it life. At the time of the latest throne speech, Canada Corps still lacked a mandate, employed only six people, and did not as yet have a telephone number.

When will Canada Corps receive a mandate and be up and running?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am delighted with the implication of Senator Oliver's question, which is that he heartily endorses the concept of Canada Corps, and I assure him that the development of its terms of reference, its personnel, and its engagement in its work is one to which this government is devoted.

Senator Oliver: Honourable senators, the program was originally intended for youth, but according to reports circulating it now includes constitutional experts, retired police officers, teachers and even former MPs.

Can the leader explain to the chamber why the focus of Canada Corps seems to have changed?

Senator Tkachuk: Liberals needed jobs.

Senator Austin: Honourable senators, I think that the answer will be best given when the government makes its official announcement with respect to Canada Corps. That announcement, I hope, will be relatively soon.

In the meantime, I know Senator Oliver recognizes that he is talking about highly competent and well-trained people who can be effectively employed in building human capacity in countries that are willing to accept Canada Corps' role.

Senator Oliver: Honourable senators, in the late 1990s, an organization named CANADEM was created, which, with government funding, has for the last seven years helped send

Canadian experts abroad to promote democracy, peace and security in the world. Its roster also includes skilled experts from a variety of fields.

Can the Leader of the Government explain how Canada Corps will differ from CANADEM, and can he reassure honourable senators that the former will not duplicate the work of the latter?

Senator Austin: Honourable senators, again, Senator Oliver's interest and my own will have to await a detailed government announcement.

However, let me assure the honourable senator that there will be no overlapping or duplication. There will, however, be a concentrated effort in this area of human capacity development.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

APPLICATION OF LEARNING BOND PROGRAM

Hon. Marjory LeBreton: Honourable senators, last week I identified a problem with provincial welfare rules that could prevent children whose parents are on social assistance from benefiting from the proposed Canada Learning Bond. As of last week, almost eight weeks after the bond was announced, Ontario was contemplating changing its rules but has yet to do so. Has the government learned anything from this? Has it learned that what Ottawa gives in the area of social benefits, the provinces can and will take away, if the details are not ironed out in advance?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator LeBreton for her question.

I will make inquiries to see what has taken place and whether there is an understanding or arrangement between the federal government and the Province of Ontario with respect to the Learning Bond Program.

Senator LeBreton: Honourable senators, that would be a good place to start.

SOCIAL DEVELOPMENT

GUARANTEED INCOME SUPPLEMENT— EFFECT OF INCREASE IN ONTARIO

Hon. Marjory LeBreton: Honourable senators, the Speech from the Throne also announced that the government would increase the Guaranteed Income Supplement, with details to come later.

• (1510)

Given the rules currently in place in the province of Ontario, low-income seniors in long-term care may not see a dime of any increase. That is because, for those with subsidized beds, their OAS and GIS cheques go directly to pay for that bed. The senior is left with a fixed comfort allowance of about \$112 per month, an amount the Ontario government said it plans to raise. If the GIS goes up, the increase may very well go to the provincial government rather than to the senior, who would be left at the same level. Ontario already has a Guaranteed Annual Income Supplement called GAINS. An increase in the GIS could affect the GAINS payment if it is not increased as well.

Has the government held any discussions with the McGuinty government of Ontario to ensure that Ontario passes on the increased GIS to those receiving long-term care and to those receiving GAINS?

Hon. Jack Austin (Leader of the Government): I will look into the question of the honourable senator and provide the answer as soon as I can.

JUSTICE

CHILD PORNOGRAPHY LEGISLATION— DEFINITION APPLIED TO ART WORKS

Hon. A. Raynell Andreychuk: Honourable senators, the government tabled, as its first bill in this new Parliament, legislation concerning child pornography. As honourable senators know, there was a great debate as to whether artistic merit, or the question of art, could be a defence in child pornography cases. This new attempt in the legislation to replace “public good” with “legitimate purpose” does not seem to solve the problem. It appears that the debate as to whether one can legitimately use art as a defence will continue under this bill.

Would it not be better for the government to explicitly state whether they will allow “art” or “artistic merit” to be a defence rather than to sit on the fence by using terms such as “legitimate purpose”?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will pass Senator Andreychuk’s representation, if that is what it is, or her question on to the Minister of Justice for an answer.

Senator Andreychuk: Honourable senators, it is very important that the government state whether that defence will exist. Emotions are high in the community on both sides of this issue. As good public policy, the government had better state its position. If it does not, we will be back in the courts; we will not be supporting children and we will have needless divisions in our society. The government should not introduce legislation that leaves doubt to be resolved elsewhere. The matter should be resolved by the government.

Senator Austin: Honourable senators, again, I will pass that question along to the Minister of Justice. To state the obvious, both Houses will have the opportunity to examine that question when the legislation comes before them. Senators will, of course, have the ability to make their views known and, if there is a wish to make an amendment, to pursue that line as well.

AGRICULTURE AND AGRI-FOOD

CROP INSURANCE PROGRAM—POSSIBILITY OF ADJUSTMENT TO RULES FOR GRAIN FARMERS

Hon. Leonard J. Gustafson: Honourable senators, my question is directed to the Leader of the Government in the Senate. Because of the frosts in Manitoba, Saskatchewan and Alberta, and the snow that is now covering crops there, much of the crop will not be harvested in time for farmers to file for crop insurance. One of the regulations is that the crop must be harvested before they can apply for insurance.

Since the program is split between the federal and provincial governments, although the provincial governments have jurisdiction over it, could a message be sent stating that it is important to adjust the rules given the very difficult situation that has arisen due to the weather?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am advised that the Minister of Agriculture is aware of this situation and that officials are discussing the matter.

Senator Gustafson: I am pleased to hear that.

ORDERS OF THE DAY

FEDERAL LAW— CIVIL LAW HARMONIZATION BILL, NO. 2

SECOND READING—DEBATE ADJOURNED

Hon. Serge Joyal moved the second reading of Bill S-10, to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law.

He said: Honourable senators, Bill S-10 is important, even though it might look technical to many of you, because it is the second phase of a bill that we have debated at length in the previous Parliament, in fact in 2001, three years ago. The purpose of this bill is to harmonize the civil law of the Province of Quebec with the common law.

The word “harmonization” raises a fundamental question. What do we intend to do by harmonizing? In musical terms, harmonization means that two entities with different sounds will together play something in common.

One characteristic of our country, which dates back a long time, is that we have two legal traditions for dealing with our relationships in trade, commerce, contracts and, of course, the family structure — the responsibilities of parents, children and so on. These two traditions come from the two greatest worldwide traditions of law, those being the common law and a civil code. Of course, my honourable friends know well the distinction between the two.

[Translation]

One is based on precedent, and the other of course on a systematic codification which tells us, through reference to a code, how the law is applied in specific contexts: family law, contracts, obligations, wills, bills of exchange and commerce-related matters in general. Canada is known for having the benefit of these two legal traditions.

[English]

When we talk about the two legal traditions of Canada — the common law and the civil law — we are omitting a third source of Canadian law, and that is the Aboriginal common law.

• (1520)

When I reviewed Bill S-10, I tried to understand where we come from in terms of Canadian common law and the Quebec Civil Code. I was thinking about the Erasmus-Dussault report on the Aboriginal people of Canada, which I would say is the bible to understanding the status of the Aboriginal people in Canada. When we state that there are only two legal traditions in Canada, we are omitting another important tradition. I should like to quote from the Erasmus-Dussault report, which is entitled "Aboriginal Peoples and the Justice System." At page 43, the report states:

In the Aboriginal experience "the organizing and regulating force for group orders and endeavour...was custom and tradition." "Customs were derived from the Creator," and because they were spiritually endowed and through history had withstood the test of time, they "represented the Creator's sacred blueprint for the survival of the tribe."

In other words, the customs and traditions for Aboriginal people have a direct link with what seems to be the balance between the members of the tribes.

This reality is truly recognized by the National Assembly of Québec. This year is the tenth anniversary of the new civil code of Québec, adopted in 1994, following 40 years of trying to revise the original civil code that was adopted in 1865, two years before Confederation. I had the privilege to attend the opening of the exhibition last month at the National Assembly of Québec, where I obtained a copy of the exhibition catalogue. I was invited by the Speaker of the National Assembly, Mr. Michel Bissonnet, and the Minister of Justice, Jacques Dupuis. Let me quote from the catalogue, which states:

[Translation]

In the territory of New France, the customs of the Amerindians co-existed for a long time with the legal traditions of the mother country, each one based on centuries-old rules handed down through the generations. The Amerindian people lived according to the customs and instructions taught by their clan elders. These customs, often varying from one nation to another, constituted the legal standards applied to life in society. For instance, although monogamy was not obligatory, it was generally practised. Spouses were considered each other's equals. Women had some authority within the family and the community, and the education of children was a collective responsibility.

[English]

Honourable senators, I want to say that in fact there are three legal traditions in our country. As I mentioned previously, we have the British common law, which was important to Canada in 1760 with the events that took place at that time. We have the civil code, which was introduced as a source of law in 1664, when Louis XIV decided that la Coutume de Paris would be the civil law system of New France. At the time, there were many different customs from various regions of France — that is, from le Poitou,

L'Anjou, la Normandie, l'Aunis, la Charente — where immigration was coming from France. Each region had its own customs, and there was a conflict of interpretation of customs. Louis XIV finally decided that there will be one system, that la Coutume de Paris will be in force in New France.

That is origin of the Quebec civil code. La Coutume de Paris was applied from 1664 to 1760, cohabiting with the Aboriginal common law. There is no doubt that, through the years, the Aboriginal common law, or the Aboriginal customs and traditions, gave way to the common law or to the civil code in Quebec — I see our colleague Senator Gill here — and in other parts of Canada to the British common law.

If we want to be true to the legal reality of Canada, we must recognize that we have two systems that are interpreted in Canada in terms of private rapport between citizens, the common law and the civil code. However, there is still, to a point, subliminal among the Aboriginal population of Canada, a heritage of common customs and traditions that, sooner or later, we will have to address.

I am not in a position today to continue the debate on this aspect of the reality of the Canadian reality, but we in the Senate are particularly sensitive to the plight and the condition of our Aboriginal colleagues, and one day we will have certainly to address that aspect. However, that is not the purpose of the stand that we are called to consider today.

[Translation]

Today we are celebrating the tenth anniversary of the new civil code of Québec. It is not inappropriate for this bill to be before us because its aim is to harmonize federal legislation and the civil code tradition, in written law.

[English]

In other words, honourable senators, we are talking about a written set of rules and the common law, a heritage of precedents.

How can we come to the conclusion that we can express two legal traditions in the federal legislation? It is like speaking two different languages. If we want to have a third language, how can we marry those two languages to have a third one? The first thing to rely upon is terminology. It is important to understand the terms. In the last 20 years, the Department of Justice, with the support of the Provinces of Manitoba, Ontario and New Brunswick, has worked to develop a lexicon of legal terms — in other words, bilingual terminology records. Hence, when the federal Department of Justice drafts legislation, the drafters do not draft legislation in the legal tradition of common law and then translate it into French for the civil code; rather, the drafters draft the legislation with the terminology that applies equally in the civil code and in the common law.

That process, which has been successful, would not have been possible without the support of the Provinces of Ontario, Manitoba and New Brunswick especially — and I am thinking here of the University of Moncton, which was very helpful in that regard.

[Senator Joyal]

When the federal government has to harmonize its legislation, what is the task to perform? Honourable senators, 600 statutes and 3,000 bylaws. I heard our colleague Senator Bryden today reporting on the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations. This is a mammoth task that is being facilitated by this lexicon of terminology.

Canada is unique in this regard. If there is something unique that we are doing in Canada — even though, as I mentioned, three-quarters of the countries in the world, 189 that are members of the United Nations, use either the common law or the civil code system — we are the only country in the world that has developed the capacity to express ourselves in both legal systems. This is quite an achievement. It is an achievement similar to that of Senator Gauthier fighting in the courts to have the meaning of “rights” recognized. The content of rights must be the same when you read a federal statute, be it in English or in French.

• (1530)

That is essentially the challenge. The Quebec Civil Code is written in French, of course, and in English. It is printed in both languages, and each version is equal and carries the same weight when interpreted. In the same way, the English and French versions of the common law are equal. One might say that this analysis is too technical, simply become lost, and give up. However, when a judge, a drafter or a senator has to read and understand a bill, the proposed legislation must lend itself to equal interpretation under English or French common law and under both the French and English versions of the civil code. That is quite an achievement.

We should recognize that the first bill adopted in 2001 contained a preamble, on which Senator Nolin and I spent so much time to air our differing views. Senator Murray, too, took part in the debate. This bill does not have a preamble as Senator Nolin asked of me, so I will spare you my thesis on whether a preamble should be included.

We must recognize that the desired result of the overall exercise is that the civil code and the common law tradition will develop, both in accordance with their own genius and so that both will achieve something in common. Essentially, that is in keeping with the philosophy of this country, that is, we maintain our identity while we move forward together. We want to join our respective genius, talents, resources and diversities in creating a multi-ethnic and diverse society in which we can live and thrive together. Canada will be a more diversified country in the years to come.

This is an important exercise. Bill S-10 contains amendments to 26 different statutes.

[Translation]

Bill S-10 amends 26 statutes, all of which were amended in the first harmonization in 2001. The Bankruptcy and Insolvency Act takes up almost three-quarters of the bill. I will spare you the details of it; only rabid accountants understand it, even lawyers have difficulty finding their way around it. I see Senator Nolin smiling at this.

Bill S-10 contains a significant number of provisions aimed at harmonizing the Bankruptcy and Insolvency Act with the terminology and concepts of the Civil Code and the common law.

New legislation is now drafted immediately with the benefit of the lexicon I mentioned earlier, but many laws passed over the years obviously do not reflect the terms or concepts contained in the Civil Code. The exercise will be ongoing and lengthy, and as senators we have to realize that in the coming months and years we will have other bills intended to adjust the two traditions in our statutory language. As I was saying earlier, 600 different statutes and 3,000 regulations are involved.

That said, Canada's legal heritage is extremely important. We are trying to bring about the marriage within a single reality of concepts now based on identical principles. Two principles, essentially, guided the revision of the Civil Code of Quebec in 1994: those contained in the Quebec Charter of Human Rights and Freedoms and in the Canadian Charter of Rights and Freedoms and the fundamental principle of the equality of individuals. These two series of principles were, at the time, revolutionary in contrast with the old Civil Code of Quebec of 1865, which enshrined inequality between men and women. It established the principle of paternal authority and considered women to be minors.

Fortunately, this code, which was in effect for many years in Quebec, has been replaced with a new code based on the inalienable principle of equality of people and the Charter principles and, more importantly, the principles of international conventions on the rights of the child. In recent years, children have been recognized as full subjects of law, while previously, in codes and legislation, children were under full guardianship of their parents and, therefore, the paternal authority had final say on just about any decision a family made. The new code is consistent with charter principles, the principle of equality of people, just as the British-inspired common law was brought into line with similar principles. This means that, while we have two separate sources of law, they have a common basis, and both draw on the same principles even if they reflect various realities with particular nuances and adjustments. What is said to be “immovable,” in English, does not have a perfect equivalent when used with the expression “real property,” and when a judge or an interpreter of law tries to understand what a law means, they have to do so with only one definition. What is remarkable is that not a single one supersedes the other.

[English]

They are equal. They are two sources of law and neither one takes precedence over the other; and neither one should be set aside to grant privilege to the other. To achieve that is a remarkable exercise that is unique to Canada.

Honourable senators, I am hopeful that Bill S-10 is referred to the Standing Senate Committee on Legal and Constitutional Affairs.

I look forward to the day when we formally recognize the third source of law in Canada — the Aboriginal peoples' common law — and to the day when the special definition of rapport among Aboriginal peoples and the various tribes is reflected in one way or another in Canadian legislation. Only when we achieve that will we have true recognition of the equality of diversity that we currently have with the common law and the civil code.

On motion of Senator Nolin, debate adjourned.

• (1540)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Chaput, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-eighth Parliament,

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that the following be added to the Address:

“and we urge Your Excellency's advisors, when implementing the details of their proposals, to review the Employment Insurance program to ensure that it remains well-suited to the needs of Canada's workforce, to reduce and improve the fairness of taxes, to be unwavering in the application of fiscal discipline, to examine the need and options for reform of our democratic institutions, including electoral reform, and to rise above partisanship to address the public interest;

That Your Excellency's advisors consider the advisability of the following:

1. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend measures that would ensure that all future uses of the employment insurance program would only be for the benefit of workers and not for any other purpose;

2. opportunities to further reduce the tax burden on low and modest income families consistent with the government's overall commitment to balanced budgets and sound fiscal management;

3. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to make recommendations relating to the provisions of independent fiscal forecasting advice for parliamentarians including the consideration of the recommendations of the external expert;

4. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend a process that engages citizens and parliamentarians in an examination of our electoral system with a review of all options;

5. with respect to an agreement on ballistic missile defence, the assurance that Parliament will have an opportunity to consider all public information pertaining to the agreement and to vote prior to a government decision;

And we ask Your Excellency's advisors to ensure that all measures brought forward to implement the Speech from the Throne, including those referred to above, fully respect the provinces' areas of jurisdiction and that the financial pressures some call the fiscal imbalance be alleviated.”—(4th day of resuming debate)

Hon. Ione Christensen: Honourable senators, it is my pleasure to respond to the Speech from the Throne. Such documents are, by their very nature, lacking in detail, but they are strong statements of intent and set out a path that the government of the day will follow during its mandate. It is always noteworthy to have a region or an issue mentioned in the speech, as it clearly shows the importance that the government places upon it.

Those of us from the northern territories were greatly encouraged by the prominence given to northern issues: economic development, additional health dollars, and an issue of great importance, the enhancement of our northern sovereignty. This is particularly true with the implications of global warming and the heightened exploration of oil and gas in our Arctic coastal waters. Reference was also made to territorial formula financing.

We also benefit from the many other commitments that apply to all Canadians, like sharing the gas tax with communities. This can make a huge difference to a small northern city or town with low populations but high operation and infrastructure costs.

The national system of early learning and childhood care, New Horizons program for seniors and additional funding for Aboriginal health care are all areas that make a very big difference with well-placed dollars.

The section of the throne speech that really caught my attention was the mention of fetal alcohol syndrome, FAS. I found it encouraging that the government had decided not only to recognize this difficult disorder but to target it. Hopefully it will lead to a better way of life for those living with FAS as well as to prevent future cases. Unlike many disorders, this one is totally preventable. We do not need to find the cause. We already know that it is the effect of alcohol on the developing fetus.

Honourable senators, fetal alcohol syndrome is one of the disorders that falls under the wider group of fetal alcohol spectrum disorder, or FASD. FAE, fetal alcohol effects, and alcohol-related neurodevelopment disorder, ARND, describe other effects within the spectrum.

FASD is caused by prenatal exposure to alcohol. Because the effects on the fetus vary, severity of the problem can range from minor to very severe, with fetal alcohol syndrome being the most extreme. Impairments of FASD are cognitive, behavioural, physiological and physical and will affect the child over his or her lifetime.

The prevalence of FAS is greater than in either Down's syndrome or spina bifida, and the prevalence of FAE is five to ten times higher than that of FAS. In other words, out of 350,000 babies born in Canada each year, 728 of them will have FAS, while another 3,640 will have fetal alcohol syndrome-related birth defects.

The secondary syndromes of FAS victims relate to quality of life characteristics: 90 per cent have mental health problems; 60 per cent will be expelled or suspended from school or will drop out; 60 per cent will get into trouble with the law; 50 per cent will exhibit inappropriate sexual behaviour; 30 per cent will abuse drugs or alcohol; 80 per cent will not be capable of living independently; and 80 per cent will have employment problems. What is so tragic is that these severe problems could have all been prevented if the mother had received support in abstaining from alcohol during her pregnancy.

Obviously this issue needs to be addressed and, with the support of the government, some major changes can happen. I am concerned, however, that FAS was mentioned under the Aboriginal heading. It is unfair to associate FAS only with the Aboriginal community. While it is true that in Canada the rates of FASD are much higher in Aboriginal communities, any community in the world where alcohol is consumed will be affected by FASD.

In a recent conference I attended on fetal alcohol spectrum disorder, an American presenter gave us some new information about high-risk groups. Single white women with an income of over \$50,000 a year are the fastest growing group at risk in the United States. Frequent business lunches and the use of alcohol as part of their career development have contributed to this new phenomenon. This is strong evidence that FASD does not discriminate on the basis of race or socio-economic status.

Unlike so many other afflictions that we face in society today, no funds are required to reach a cure. It is not a disease. While it is true that the mother may suffer from the disease of alcoholism, often it is the lack of awareness in women of child-bearing age that will cause the damage. We know what causes FAS, and it is totally preventable.

Unfortunately, the most severe damage to the child can occur during the first four to six weeks after conception, a time period when many women are not aware that they are pregnant. Once affected, the child is affected for life, and the cost to society is growing.

Parents bear the burden of care in the early years, but when the child becomes an adult, society has no safe place for this individual to go. People with fetal alcohol spectrum disorder often end up on our streets, in our welfare system and in our penal institutions.

Children with FASD are often treated with other children suffering from different disorders, and the treatments are totally inappropriate. This is why early diagnosis can make a huge difference. When you know the cause, both the child and those working with him or her can better understand the problem and learn how to live with it.

Each year, we are learning more and more about the effects, but we have a long way to go to help both the child and the caregivers. From birth to old age, people with fetal alcohol spectrum disorder need support. Proper training and programming is needed at all levels so that those individuals can live as full a life as possible.

FASD is not passed on genetically, so a woman with FASD can have a perfectly healthy baby. However, we know that half of the mothers of children with FASD have undetected FASD themselves. In other words, if we could diagnose one child, we can help prevent another baby from having FASD.

In 2000, two studies were done in Canada looking at public awareness of fetal alcohol syndrome and the effects of alcohol on pregnancy. One nation-wide study surveyed Canadian men and women. The second study asked the same question, but respondents were from North of 60.

In the Canada-wide study, men were more likely than women to think that alcohol use was safe while a woman was pregnant. They also found that women between the ages of 18 to 24 who were well educated and drank were more likely to be influenced if their partners stopped drinking during their pregnancy. Unfortunately though, three out of every ten men indicated they would not stop drinking if their partners were pregnant. Obviously, we have a long way to go with awareness, and not just for women.

When asked about the most frequent effects of FAS, 29 per cent of northerners surveyed indicated learning disabilities, as opposed to only 10 per cent of the country-wide respondents. When asked what women could do to increase the chances of having a healthy baby, cutting down on alcohol consumption or stopping drinking during pregnancy came first on the list for the northern respondents. In the Canada-wide survey, it came third on the list, after a healthy diet and decreasing or stopping smoking. As one can see, there were significant differences between the two surveys in understanding what FAS is and is not.

Whatever the reasons, it is clear that FASD prevention and programming is dealt with differently in each province and territory. In 2001, Health Canada published a situational analysis looking at various activities such as prevention, intervention, research and policies with regard to FASD. It showed how each province and territory had a different approach. Only three provinces used warning signage about alcohol and pregnancy in establishments where alcoholic beverages were either sold or served. Yukon was and is the only place in Canada to have legislated warning labels on alcoholic beverages.

Alcohol can harm fetuses even at relatively low levels of exposure, but we do not know what exact levels can be considered "safe." FASD can affect children who have been exposed to very little alcohol, while other women who are alcoholics or who have drunk on occasion can deliver healthy babies. This is why we have to be careful and to make awareness and prevention our priority. We know for a fact that a pregnant woman is taking a risk if she drinks alcohol when pregnant.

• (1550)

For some reason, though, we do not talk about this in our society. While we hear much about the dangers of drinking and driving, we avoid connecting pregnancy and drinking. Fetal alcohol spectrum disorder is a social problem that can be prevented. Yesterday, Senator Trenholme Counsell gave us information on the long-term development of the infant brain. When alcohol is introduced during that development, the child is at high-risk for FASD.

We need more awareness programs at both the federal and provincial levels to help families and the community, who can, in turn, help the mother at risk. A mother of an FAS child needs all the support that she can get to ensure that she does not have another FAS pregnancy, but she cannot do it alone. There is much denial in families, communities and even in some caregivers, but with strong, daily support, an expectant mother can deliver a healthy baby.

There is currently a private member's bill, Bill C-206, in the House to amend the Food and Drug Act providing for the labelling of alcoholic beverages to warn people of the dangers of consuming alcohol when pregnant. We have recognized the need for such labels in cigarettes. Surely we can do no less to protect the health of an unborn child.

Honourable senators, when that bill comes to the Senate I will ask for your support. It may seem like a small step, but it is a good first step. Awareness is what it is all about. A healthy baby is what it is all about. We can help to prevent the preventable.

On motion of Senator Stratton, debate adjourned.

[Translation]

OFFICIAL LANGUAGES

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Jean-Robert Gauthier moved the third reading of Bill S-3, to amend the Official Languages Act (promotion of English and French).

He said: Honourable senators, this is the fourth time I have tabled this bill. You will remember that, on March 11, 2004, the Senate unanimously passed Bill S-4. That bill was sent to the

House of Commons for review and consideration. Second reading began on April 22, 2004. However, Parliament was dissolved in June 2004 for the general election and my bill died on the *Order Paper*.

[English]

Bill S-3 is essentially the same as Bill S-4 with a few minor changes in the wording. The summary now specifies that the provisions in question are in Part 7 of the Official Languages Act.

[Translation]

Because of the restrictive interpretation of the Department of Justice to the effect that section 41 is declaratory, no statutory regulations have been adopted since this section came into effect, in 1988. As you know, an act is discretionary and it sets an objective. A regulation is not discretionary, because it specifies how the objective is to be achieved.

In other words, an act or a section of an act without regulations is about as useful as a watchdog without teeth.

It is rather difficult to go before the courts when an act has no regulations, when we do not know how to implement it.

The Commissioner of Official Languages cannot be part of a legal action under section 41, because part X of the Act, or section 77, excludes that possibility.

In short, Bill S-3 pursues three objectives. First, it specifies the binding nature of the government's commitment in part VII of the Act.

Second, it imposes an obligation on federal institutions to implement this commitment and gives the government the possibility of enacting regulations for that implementation.

Third, Bill S-3 provides a power of recourse enabling the courts to monitor application by governments and the Commissioner of Official Languages to support that recourse.

When a law imposes an obligation, it must come with a power of recourse that allows the courts to monitor application of that law. As I have said, and say again, there can be no rights without recourse.

Some may, no doubt, reply that the government took positive action when it presented an action plan last year. That plan, of which we greatly approved, was the object of much reflection by several federal ministers. It focuses on certain federal institutions, I will admit, but there are many others, such as agencies and Crown corporations.

What we need are clear and precise directives to know how to implement the act. Regulations are needed. That is the purpose of this amendment, one I have already proposed several years ago, which was passed on numerous occasions here in this chamber. The government has a credible and satisfactory plan. It must be implemented, thereby eliminating any possibility of ambiguity which might reduce or repress some of the enthusiasm prevailing in some circles.

[Senator Christensen]

The official language communities need to feel that they have the support of government and the courts. Every gain relating to official languages has been hard won. All were confirmed subsequently by the courts. Whether with respect to education, health or social services, the courts backed us up. But we need still to be able to make use of those gains.

In my opinion, section 41 is the very heart of the Official Languages Act. It states that the government is committed to enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development. That commitment is clear.

This clause is declaratory, I am told. So, it means nothing. It is only an expression. It is legal language that is used to avoid saying anything specific. I do not understand the meaning of this statement.

I think it should be pointed out that the amendment in question, proposed in Bill S-3, is only intended to clarify the power of the government to enact a regulation.

Part VII is the only part of the Act that does not include regulations.

• (1600)

Part VI has an entire section saying that the Governor in Council may make regulations. That is proper, and it specifies how the law is to be applied. Section 41, which I believe is very important, contains no provision for regulations.

The power to make regulations would enable the government to specify the extent of the obligations on federal institutions regarding community development. This, of course, is a discretionary power. The government is not obliged to make regulations, but it would be useful.

First, for example, federal institutions could be required to determine whether their policies and programs had any impact on the promotion of linguistic duality and the development of minority communities, from the earliest stages of their formulation right through to implementation.

Second, they could, if appropriate, consult the people affected — in particular the representatives of official languages communities — as part of the framework for developing and implementing the department or agency's policies and programs. A consultation is not a big thing to ask for. It was forgotten in the Maritimes.

In the Acadian Peninsula, for example, the Canada Food Inspection Agency was taken to court by the Forum des maires de la péninsule acadienne. Why? Because the Agency had neglected to consult, to tell people what it was doing — it cut jobs. So the Forum des maires, a group of municipalities, went to court and won in the Trial Division of the Federal Court. The government appealed. The appeal court overturned the ruling by the Trial Division judge, Mr. Justice Pierre Blais. Now, I hear the matter is going to the Supreme Court.

These things are very costly in time and energy. This is how communities are exhausted. The fight takes its toll, and people give up. This is what we call assimilation, and it threatens all of us in Canada. Balkanizing the two official languages, having French in one province and English in another, I do not believe in. My Canada is more inclusive than that.

Federal institutions would also need to be able to describe their approach and show how they have considered the needs of minority communities. This is essential if we are to have living communities.

I did not make up what I have just said. It appears on pages 70 and 71 of the Action Plan, where they refer to the famous regulations. We have it before us, then, clearly and precisely.

[English]

The bill takes into consideration most of the recommendations made by the Official Languages Commissioner in the last reports. The commissioner recommended clarifying the binding nature of the commitment. In order to ensure its implementation, she stated that the proposed legislation would provide for regulation-making authority. This is, in essence, what I am seeking to do with Bill S-3.

We pay attention when the Auditor General speaks. The media pay attention. However, when the officer of Parliament for official languages speaks, I listen, and the Senate has listened. I can give you many prior examples. The Commissioner of Official Languages is an officer of Parliament. If an officer of Parliament tells us we should do certain things, I think we should listen attentively.

This bill has been studied by the Standing Senate Committee on Legal and Constitutional Affairs.

[Translation]

The Standing Senate Committee on Legal and Constitutional Affairs heard 35 witnesses at eight meetings. The official languages committee looked at the bill and said that it agreed. We just brought it back to you today. I am asking you in all sincerity: what more can we do?

If you want to be nice, pass this bill at third reading. Send it to the House of Commons. If there are objections, recommendations, improvements, if they want to improve it, fine! But this will show that the Senate has a role to play, an important role to protect minorities and to defend the rights of minority groups and communities. Such is our calling as senators: we must protect the regions and protect minorities.

I thank you and I am sure every faith that you will heed my request.

On motion of Senator Stratton, for Senator Comeau, debate adjourned until the next sitting of the Senate.

CRIMINAL CODE

[English]

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Jean Lapointe moved the second reading of Bill S-11, to amend the Criminal Code (lottery schemes).—(*Honourable Senator Lapointe*)

Honourable senators, Bill S-11, formerly Bill S-6 and Bill S-18 — I hope we do not end up at Bill S-100 — has reached the stage of consideration in committee.

Many of you have already had the opportunity to speak on this matter in past sessions of Parliament. I therefore urge you to support my motion to refer Bill S-11 to the Committee on Legal and Constitutional Affairs as soon as possible.

Honourable senators, we must speed up the legislative process to save lives and help those entrapped by these infernal video poker machines or video lottery terminals, commonly known as “VLTs” in certain provinces.

A few weeks ago, I received a telephone call from a woman who begged me not to abandon the fight, because she had just lost her 17-year-old son. He had committed suicide because he owed money to loan sharks. He owed them \$2,500 or \$2,700; I do not remember the exact amount, but that does not matter. The point is that his debt was due entirely to video poker machines. He was 17 years old, and he had lost all this money in three months. He must have been 16 years old when he started. So, the bar owners are not doing their job of monitoring.

Frankly, this is only one of hundreds of horror stories that have come to my attention since the bill was first introduced.

As I have said repeatedly, this scourge video poker can leave no one unmoved, and I hope with all my heart that this bill can pass as quickly as possible.

• (1610)

Honourable senators, in my humble opinion, when these accursed machines are no longer available on virtually every block in eight of our provinces, when our fellow citizens are no longer driven to suicide because of them, when families stop breaking apart because of them, young people stop developing gambling addictions because of them, and senior citizens stop squandering their RRSP money on them, our allies the provinces, and the country as a whole will be far better off.

To paraphrase what Senator Gauthier said a little earlier on, let us make Canadians aware of the importance of the work done in the Senate. Bill S-11 would then be more than mere words. It would be a tangible proof of that importance.

On motion of Senator Stratton, debate adjourned.

STATUTES REPEAL BILL

SECOND READING—DEBATE ADJOURNED

Hon. Tommy Banks moved second reading of Bill S-5, to repeal legislation that has not come into force within 10 years of receiving Royal Assent.

He said: Honourable senators, I will take the least possible amount of time because this bill is identical to one that existed in the previous Parliament, and perhaps all senators here have heard my original rationale for the need for this bill. I will try to condense my comments because I propose that it should be referred to committee for study at the earliest opportunity and I hope that honourable senators will concur with my view.

I will take a moment to remind honourable senators why this bill came about. There was once a bill called Bill C-37 to create the Canadian Heritage Languages Institute Act, which was passed by the House of Commons, the Senate and which received Royal Assent. A constituent of mine brought to my attention the act had never been given force and effect. When that was brought to my attention, I was less experienced in these matter than I am now when this happened, and I got into a state of high dudgeon and tried to find out why the act had never been put into effect. I assumed it was because of the intransigence of some bureaucrat somewhere who was flouting the will of Parliament.

However, my then assistant, who knew then and knows now a great deal, told me to calm down, and read the fine print, read the whole bill, including the bits near the end. I did just that, and I realized I had been given excellent advice. I found a clause called, “Coming into Force,” by which means the government often proposes to Parliament, and Parliament agrees, that the bill in question will be brought into force at a time when the government determines that it will be brought into force.

I did some homework and made inquiries of many of my colleagues here and found out that there are many circumstances in which the government must have, must need and must enjoy that kind of flexibility. Sometimes certain acts will come into force subsequent to another action or in lieu of something else happening. The government needs to have, from time to time, that kind of flexibility. I decided to inquire, out of curiosity, how many such bills containing that flexibility were in place but had not, over a long period of time, been brought into effect.

I was surprised to discover how many there were. They comprise a long list. Many are small pieces of amending legislation that had been enacted by both Houses of Parliament, received Royal Assent but which have never been brought into force.

I believed at the time and believe now that there is a reasonable length of time during which that freedom of action ought to be granted to this government or any future government. I have picked 10 years out of the air as the point at which a government should have to come back and seek the approval of Parliament again. The circumstances that obtained when that proposed

legislation was first introduced, discussed, deliberated and passed would be or could be totally different from the circumstances in which it might subsequently be brought into effect. That was so much the case that I saw some danger — I do not think I was looking for bogeymen under the bed — in the coming into force of some of those acts that are kept in the hip pocket of the government. I am not referring to only this government or the previous government or the next government, it may be applicable to the actions of governments several years from now. Unless we do something about it, all successive governments, whatever their stripe may be and whatever the circumstances in which they might find it useful, could bring into force these acts which might then be useful to achieve purposes which might be different from the ones for which they were originally intended and, certainly, in circumstances different from the ones in which they were devised.

Therefore I have devised the bill, honourable senators, which is now before you. Bill S-5 states, in effect, that, at the first meeting of Parliament in each year, the Minister of Justice shall place before both Houses of Parliament a list setting out those acts of Parliament that have received Royal Assent, are at that point nine years old or more and have not yet been brought into force and effect.

The government would then have, according to the terms of this bill before you, a year in which to either bring an act into force or to come back to Parliament and ask that they be, by the enactment of a new act, given that flexibility again. If those things do not happen, then, on the following December 31, the legislation would be, perforce, repealed.

Honourable senators, that 10-year time limit is arbitrary. I picked it out of the air. It might be more desirable to have five years or 15 years. However, I think there should be a point at which legislation, which I have described and which has not yet been brought into force, should either leave us or be reintroduced. The mechanism by which the government might reactivate these bills or save them is something that I hope will be addressed by members of the committee who know a great deal more about how that might be done than I.

I suggest that a perusal of the list of those statutes shows that more than 30, having been passed in 1985, could be brought into force by the government tomorrow or 10 or 20 years from now, unless we do something about it. What I am proposing is what I have described to you.

I believe that 10 years is a prudent and sufficient length of time, after which, it seems reasonable to me, any government ought to be obliged to come back to Parliament and say, "We would like to keep this going." Failing that, according to this bill, the acts would disappear on the following December 31.

• (1620)

I will not bore honourable senators any longer with the provenance of this bill or the reasoning behind it, but I will ask that you assist in its forward progress by moving as quickly as possible to send it to the appropriate committee for proper study.

On motion of Senator Stratton, debate adjourned.

THE HONOURABLE JEAN-ROBERT GAUTHIER

CONTRIBUTION TO CANADA—INQUIRY

Hon. Sharon Carstairs rose pursuant to notice of October 19, 2004:

That she will call the attention of the Senate to the contributions to our country, to the francophone population outside of Quebec, to the citizens of Ottawa and particularly of Vanier and to those suffering from disabilities by the Honourable Jean-Robert Gauthier, Senator.

She said: Honourable senators, it is my great honour to rise today to pay tribute to the career of the Honourable Senator Jean-Robert Gauthier.

J.R., as he was affectionately known to us and many others in this community, was appointed to the Senate on November 23, 1994. After he took his oath of office, he took his seat next to me in this chamber, over there where Senator Cordy is presently sitting.

I knew of J.R., but I did not know him. As so often happens in this chamber, seatmates become friends. Unfortunately for J.R. and those who depended on his life of advocacy of minority issues, he soon found himself in a fight, literally, for his own life. For weeks and months, we learned how very tenuous his hold on life was. However, we also knew what a fighter he was, and we watched his struggle with compassion and empathy.

J.R. needed to learn to walk again. We watched as he went from wheelchair, to canes, and then to the very natty cane he now uses, which he talked about earlier this afternoon. Unfortunately, as a result of the medication he took in this trip to survival, he lost his hearing. Again, he had to relearn things that he had known. This time, he had to learn to use whatever was at his disposal to hear again. One of the things he learned to do was lip read, although he will readily admit that he lip reads French but not English. His bilingualism, which is superior in both official languages, regrettably did not carry over to lip reading.

J.R. would regularly visit my office when I was the leader. He would speak in English and I would write out my replies in English. We had no difficulty communicating because J.R. would have it no other way, one more example of what I think we would all declare to be his feistiness.

Of course his personal fight, which he fiercely and ferociously carried out, would come as no surprise to any of us, because J.R. has been fighting for others all of his life.

Minority education issues have always been dear to his heart. It was in the cause of education that he began his career of public service as he was elected to the Gloucester School Board in 1961 and served as its chair for four years. He was elected to the Ottawa School Board of Education in 1967 and served as its vice-chair. It was because of his dedication to the cause of language education in the official language of choice that he was honoured with a doctorate in education by the University of Ottawa.

In 1972, he chose a greater challenge. He was elected to the House of Commons and re-elected in 1974, 1979, 1980, 1984, 1988, 1993, seven times, representing almost 20 years of service in the other place. If one adds those years to the years as a school trustee and his years in the Senate, J.R. Gauthier has given 43 years of service to the people of his community. By any measure, it is an extraordinary career.

J.R.'s contribution to official languages has also been remarkable. Over the last few weeks it has given me pleasure to respond to e-mails I have received with respect to his Bill S-3. I have to tell the honourable senator that I have not received any positive e-mails about his bill, but it has still given me great pleasure to respond to them. In fact, one I received today was a tirade over the millions of dollars wasted on bilingualism. This person could not possibly understand why the Senate of Canada could support such a colossal waste of money. My answer was very simple: We do not think it is a waste of money; we think it is excellent value for money spent. You see, I have benefited from J.R.'s education, and I have been delighted on his behalf to attempt to educate others.

Most recently J.R. has concentrated a great deal of his effort on behalf of the disabled in our country, particularly for those who are deaf or hearing impaired. Because of this chamber's need to address the needs of one of its members, the Senate is one of the most technically advanced in the world in terms of legislative chambers and is certainly much further advanced than the other place.

It is unfortunate that J.R. needed to suffer this handicap in order for us to respond, but reflective of all of his life, he epitomizes the expression that when life gives you lemons, you should make lemonade.

J.R. has enhanced my life. He has taught me to be more empathetic to those whose problems need to be solved. He has made me understand what it is to have gone through the struggles that he has gone through and to have succeeded with such courage and such determination. He has made me understand what it truly is to be a Canadian. He has been my friend. His legacy is not only worthy of note, it is worthy of example, and one can only try to follow in his footsteps.

Hon. Senators: Hear, hear!

[Translation]

Hon. Pierre De Bané: Honourable senators, I would like my colleague, Senator Gauthier, to know that my affection for him is only equaled by my admiration.

It is hard to summarize the devotion to the public interest of a colleague who has been so active on the local, provincial, national and international levels for all of 43 years. There is no doubt whatsoever that all of these accomplishments include a fairly major component of contribution by his extraordinary wife, Monique.

[Senator Carstairs]

I also know how much the affection and support of his children Jean-François, Pierre, Vincent and Nathalie have meant to him as he has championed all those causes over the past 40-plus years.

He began to get involved with schools at the local and regional level back in 1961, moving on in 1968 to become one of the forces behind the creation of government-funded French-language public schools in Ontario.

• (1630)

Elected to the House of Commons in 1972 and re-elected in 1974, 1979, 1984 and 1993, he served with distinction for 22 years as an MP and chaired a number of very important parliamentary committees, including Foreign Affairs and Public Accounts, in addition to being the House Leader of my party.

His appointment to the Senate in 1994 brought our chamber a unique voice and a unique contribution. Senator Gauthier is one of those who bring honour to the institution they join.

His involvement on the international scene has also been remarkable. He is one of the rare parliamentarians in the world to have chaired the Assemblée des parlementaires de la Francophonie, which consists of hundreds of members of 65 parliaments on 5 continents, along with 9 parliaments holding observer status.

I could go on at length about all the distinctions that have been conferred on Senator Gauthier, but that would take too long. I will just mention a few. He was honorary chair of the Standing Senate Committee on Official Languages. He was awarded the rank of Commander and then of Grand-Croix in the Ordre de la Pléiade, decorated by the President of the French Republic as an Officer of the Legion of Honour, and elected Man of the Year. He was also honoured at an ACFO special event on September 21, where the entire francophone community of Ontario paid tribute to him during a memorable evening made even more memorable by the presence of leaders of the community and such distinguished people as a Supreme Court of Canada justice and the French ambassador.

But beyond that, the man himself commands my admiration for all that he is — genuine, saying what he thinks right out loud, dynamic, visionary, far-sighted, honest, determined, prepared to stand up for his beliefs, full of conviction, a scrupulous administrator of public funds, and most of all, a man of courage beyond compare, having lived with a terrible illness for a number of years. With his wife Monique, their children and their spouses, and their grandchildren, he overcame the condition.

Jean-Robert, you are the very incarnation of the poet's observation that the most wonderful of monuments is a man who stands up.

[English]

Hon. Lowell Murray: Honourable senators, how much will we miss Senator Gauthier in the days and months ahead? I can only begin to count the ways.

Early in our association, I thought to regale him with some stories of the history of the Tory party, only to find out that he knew more about it than I did, his grandfather having sat as an MP in the caucus of Sir Robert Borden during the First World War. Again, during the 1980s, when we were associated closely, we found ourselves on the same side on the constitutional issue.

[Translation]

Not many Liberals dared to speak out against the Right Honourable Pierre Elliott Trudeau, but Senator Gauthier always had the courage of his convictions.

Honourable senators, I admit I am among those who would like his Bill S-3 to be approved by the Senate today and referred to the House of Commons. Despite the obstacle, I am confident that Bill S-3 will soon be approved by the Senate.

Committee deliberations on a number of similar bills in the past indicate that the government, specifically the Department of Justice, has serious reservations about this bill.

Earlier this morning, I was reading the minutes of the Standing Senate Committee on Official Languages, which was considering Bill S-3. I notice that the Minister of Canadian Heritage, Ms. Frulla, had sent a letter to the committee about Bill S-3, in which she praised Senator Gauthier. Clearly she was willing to embrace Senator Gauthier, but not necessarily his bill. Time will tell.

Nevertheless, I feel that Senator Gauthier's initiative will, to its great credit, force the government to propose a concrete, legislative solution to an issue over which it has been indecisive for too long. With all due respect to Ms. Frulla, who wanted to project a very reassuring picture of the progress made in the area of official languages in the country — she is right in that she prefers to see the glass half full rather than half empty — I would tell her that Part VII of the 1988 Official Languages Act has neither achieved the intentions of the government of the day, nor fulfilled the expectations of the minority linguistic communities. If the government does not accept Senator Gauthier's bill in its entirety, it must propose an effective alternative.

Let us not forget that Senator Gauthier's bill will soon become our bill, a Senate bill. We will then have a duty to ensure without fail that it follows the parliamentary process and to insist that the government make a decision and act definitively on this issue. Here in the Senate, we will do our homework, aware that our former colleague, Senator Gauthier, is keeping watch.

There are always new challenges in the area of official languages. These days, the concerns voiced by some regarding language training programs in the public service are making headlines. The head of Statistics Canada, who, in 2003, received the Commissioner of Official Languages award for his leadership in the promotion of bilingualism is now saying that the objectives of the language training program are muddled.

Others talk about a very high failure rate in language exams and a feeling of frustration and insecurity among students. The CBC in Ottawa just aired a series of reports on the situation in the federal public service entitled: *The Linguistic Divide*. It is all quite familiar. We are told that a committee of deputy ministers is reviewing the issue. But sooner or later parliamentarians will have to deal with the problem.

• (1640)

[English]

Nobody is better qualified than Senator Gauthier to help us work our way through problems of this kind, as he has done with similar problems in the past. He is a champion of linguistic minorities. He is open and fair-minded. He has grown up in this city and in this region and understands better than most the accommodations and adjustments that are made to ensure linguistic justice, to strike a fair balance and to preserve linguistic harmony.

I have learned all this about him beginning with our close association as co-chairmen of the Joint Committee on Official Languages, more than 20 years ago, and much more recently as colleagues on the Standing Senate Committee on National Finance where his intimate knowledge of the federal public service was a real asset in our study of public service issues and our lengthy consideration of the new legislation governing the public service.

As old challenges in these fields recur and new ones appear, I hope and believe that Senator Gauthier will be heard from again and again. He will not be far away from the action. If "Cincinnatus at the plow" is not appropriate for such a convinced urban dweller, let us just say that he remains "à la réserve de la république."

Hon. Senators: Hear, hear!

Hon. Joan Fraser: Honourable senators, Winston Churchill once advised a group of young people: Never give up, never give up, never, never, never, never give up.

[Translation]

Do not give up. Never give up. Senator Gauthier personifies this principle.

[English]

May I say that as a neophyte in this place — and I still feel like one compared to many of you — I have been enormously privileged to learn from this so honourable senator beside whom I have had the privilege of sitting for several years now.

Never give up fighting for what you believe. I have learned from Senator Gauthier that a successful parliamentarian must pick his or her causes carefully and then fight and fight and fight and fight and never give up.

Senator Gauthier told us earlier that an individual senator can make a difference. Well, he is the living proof of that. I have learned from him, as we have all learned from him, never to give up when adversity strikes. Whether it be political adversity or physical adversity, never give up and you will conquer, as he has conquered, again and again and again.

I have learned from him never to stop paying attention. For example, Senator Gauthier sits and reads his screen and follows what is going on in this place with an attention to the rules that is absolutely exemplary. I cannot tell senators how many times he has been watching the goings on here and has turned to me and said, "They are wrong," and has quoted chapter and verse about why they are wrong. He is always right.

Above all, I have learned from him never to give up one's ideals, never to give into cynicism and never to give up the capacity to laugh.

Senator Gauthier has the most infectious giggle when something happens in this place or elsewhere that is funny. Sometimes I even have to say to him, "Watch it. We will infect the proceedings if we go on this way."

It has been the most inspiring and humbling experience to have the privilege of knowing him and of sitting beside him, but one of the very great privileges of sitting in this place.

[Translation]

So, Senator Gauthier, do not give up. Never give up. We know that you will not give up. We thank you. I personally thank you from the bottom of my heart.

[English]

Hon. Senators: Hear, hear!

Hon. Peter A. Stollery: Honourable senators, I will be very brief but I would be remiss if I did not say a few words on behalf of myself and Senator Rompkey, who cannot be present today.

I believe — and I think I am right — that Senator Rompkey, Senator Gauthier and I are the last three people in the parliamentary complex who were elected in 1972. I know that Senator Rompkey would join me in wishing our very best for the future for Senator Gauthier.

I do not know if anyone else has touched on it, but, unfortunately, Senator Gauthier's birthday is October 22. If it were October 30, he would have been here for 32 years. He just misses that by eight days.

We were both elected in a minority Parliament in 1972. It was a difficult time, I suppose, for members on all sides of the House of Commons. I recall our old friend Monique Bégin, Senator Gauthier and myself at his cottage with his lovely wife in the spring of 1973. We go back a long time.

[Senator Fraser]

I will not take up any more time this afternoon because senators can imagine the number of experiences that we shared, particularly as we went through two minority parliaments together. There will now only be two of us left after October 30. Once again, both Senator Rompkey and I wish Senator Gauthier the very best in his endeavours.

Hon. Senators: Hear, hear!

[Translation]

Hon. Maria Chaput: Honourable senators, it is with mixed feelings that I rise to pay tribute to a friend and colleague, Senator Jean-Robert Gauthier. I say with mixed feelings because, Senator Gauthier, it has been an honour to know you and to appreciate your great qualities. Your legendary tenacity is matched only by your genuine self-sacrifice and your courage is matched only by your dedication. It is with a twinge of regret that I see you leave this place, which will never be the same without your expertise, your vigilance, your wisdom, in a word, without you.

Senator Gauthier, we have had the opportunity to recognize your exceptional commitment to this institution, particularly your many achievements at the Standing Senate Committee on Official Languages. Incidentally, you were appointed honorary chair of that committee.

All will agree that you have been a real watchdog in this House, which you have served with generosity for nearly 20 years. I am convinced that your constituents will be forever grateful to you.

Rest assured that your torch will be taken up by a number of us here, as we work toward greater recognition of the rights of the official language minority communities. We will try to maintain your same level of ardour, conviction and determination, if that is possible, in order to ensure that the government's commitments on this are respected.

Your departure is not an ending; it is instead a move on to a new stage, a more serene one no doubt, in this long journey you have undertaken to serve your fellow Canadians.

I will never forget your cheery and friendly reception when I came to this place. I will never forget the first time I met you, when you welcomed me to your office and handed over to me all the files relating to official language minorities in Western Canada. You said to me: "You're here now, so they are all yours." I will never forget that, senator.

• (1650)

My respectful thanks to your wife and your family for having shared you with the community. I wish you good luck and much happiness in this next stage of your life. Senator Gauthier, your life has been a love story: love for your culture, for your language, for your country, for your community, for your family, for your wife, and sets a great example for us all. It shows us that love knows no limits.

Thank you and have a wonderful journey onward.

Hon. Pierrette Ringuette: Honourable senators, my apologies for not having a written text.

As the most junior member in this place, I thought to myself that I did not want to have to say goodbye to any of my colleagues.

But you, Senator Gauthier, are more than a colleague. You are a visionary and I can remember back in 1993, in the House of Commons, when you did for me what you did for my colleague Senator Chaput when she came to the Senate. You took me under your wing, to show me the ropes and advise me in the debates concerning the Francophonie.

I can tell you that I appreciated your help enormously, and I recognize, as you do yourself, that the debate for the equality of the communities and for respect will never be over.

It will never be over because we are well aware that we will never be able to achieve respect for our two linguistic communities, despite the contribution we can make. We have seen a political example of this right here this afternoon.

I am truly disappointed that today we have not been able to properly pay you the honour due to you for all the years you have devoted to achieving that recognition, and that your bill — which has been passed unanimously here on three occasions — did not pass because of pure partisan politics. I wonder whether this does not denote a lack of respect for what you wish to accomplish and what you have worked so hard to achieve.

Senator Gauthier, out of respect for your work in the House of Commons, the Senate and in your community of Ottawa-Vanier, we are prepared to act rather like soldiers. None of us will ever be a general like you, but we can certainly be soldiers, whether we are francophone or anglophone. At the end of the day, this is the key to Canada, its foundation, its cornerstone. Not many people have understood this yet and are prepared to fight. Rest assured, there will be recruiters to carry on your noble cause. I thank you sincerely for everything you have done for us francophones who live in the regions where an education and communication networks have not been easy to come by. You fought the battle well.

I am not good at saying farewell. But you may be sure that your work and your vision will never be abandoned.

English]

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I would ask Senator Gauthier, as he leaves this chamber, to do so with fond memories of this place. We shall indeed miss him. In particular, I shall miss working with Senator Gauthier on the Internal Economy Committee, where we worked so well together over the years.

On behalf of our caucus, I thank you, Senator Gauthier, for your years of service to this country; and on behalf of our caucus, I wish you, more than anything, good health and long life. Au revoir.

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Nick G. Sibbeston, pursuant to notice of October 19, 2004, moved:

That the Standing Senate Committee on Aboriginal Peoples have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Nick G. Sibbeston, pursuant to notice of October 19, 2004, moved:

That the Standing Senate Committee on Aboriginal Peoples be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

OFFICIAL LANGUAGES

2003-04 ANNUAL REPORT OF COMMISSIONER REFERRED TO COMMITTEE

Hon. Eymard G. Corbin, pursuant to notice of October 20, 2004, moved:

That the Annual Report of the Commissioner of Official Languages 2003-04, tabled in the Senate on October 19, 2004, be referred to the Standing Senate Committee on Official Languages.

Motion agreed to.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Peter A. Stollery, pursuant to notice of October 20, 2004, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

• (1700)

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Peter A. Stollery, pursuant to notice of October 20, 2004, moved:

That the Standing Senate Committee on Foreign Affairs have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATED TO FOREIGN AFFAIRS

Hon. Peter A. Stollery, pursuant to notice of October 20, 2004, moved:

That the Standing Senate Committee on Foreign Affairs, in accordance with rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to foreign relations generally; and

That the committee report to the Senate no later than March 31, 2006.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Terry Stratton (Deputy Leader of the Opposition): I should like to ask a question of Senator Stollery, if I may. Is this motion a standard motion, one identical to the last Parliament?

Senator Stollery: Honourable senators, this motion has been the standard for many years; it involves no expenses or anything like that.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

ADJOURNMENT

Leave having been granted to revert to Government Notices of Motion:

Hon. Fernand Robichaud (Acting Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That, when the Senate adjourns today, it do stand adjourned until Tuesday, October 26, 2004, at 2 p.m.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, October 26, 2004, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Thursday, October 21, 2004

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology					
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0			
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07							
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19							
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19							
S-14	An Act to protect heritage lighthouses (Sen. Forestall)	04/10/20							
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20							
PRIVATE BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

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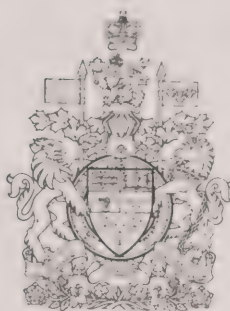
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CANADA

Debates of the Senate

1st SESSION

• 38th PARLIAMENT

• VOLUME 142

• NUMBER 8

OFFICIAL REPORT
(HANSARD)

Tuesday, October 26, 2004

—

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, October 26, 2004

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in our gallery of the Honourable Matlapeng Ray Molomo, Speaker of the National Assembly of Botswana. He is accompanied by Ms. Keabe S. Tshukudi, Principal Clerk Assistant. They are here on an official visit.

Welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I would also draw to your attention the presence in our gallery of the participants in the Fall 2004 Parliamentary Officers' Study Program.

Please rise.

Welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

HIS EXCELLENCY VICENTE FOX QUESADA PRESIDENT OF THE UNITED STATES OF MEXICO

ADDRESS TO MEMBERS OF THE SENATE
AND THE HOUSE OF COMMONS—
MOTION TO PRINT AS APPENDIX ADOPTED

The Hon. the Speaker: Honourable senators, before proceeding to Senators' Statements, the house leaders wish to ask for the floor in connection with the joint address of President Vicente Fox Quesada.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, pursuant to rule 59(18), I move, seconded by the Honourable Senator Stratton:

That the address of His Excellency Vicente Fox Quesada, President of the United States of Mexico, to Members of both Houses of Parliament, delivered on Monday, October 25, 2004, together with the introductory speech by the Right Honourable the Prime Minister of Canada and the speeches delivered by the Speaker of the Senate and the Speaker of the House of Commons, be printed as an appendix of the *Debates of the Senate* of this day.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

(For text of speeches, see Appendix, p. 137.)

SENATORS' STATEMENTS

JOHN BRAGG

CONGRATULATIONS ON APPOINTMENT AS CHANCELLOR OF MOUNT ALLISON UNIVERSITY

Hon Catherine S. Callbeck: Honourable senators, I am pleased to rise today to congratulate a distinguished Canadian and friend, John Bragg, on his appointment as the new Chancellor of Mount Allison University in Sackville, New Brunswick.

A well-respected Atlantic businessman, Chancellor Bragg is a graduate of Mount Allison University and has been an excellent ambassador for the university. Not only has he been a successful entrepreneur and an inductee into the Canadian Business Hall of Fame, he has also been devoted to his community and received many awards for his generosity.

He is married to a former Islander, Judy MacLean, and they have four children.

I would be remiss if I did not take this opportunity to recognize the contribution made by the former chancellor, James Keith, and to wish him and his family all the best.

• (1410)

John Bragg's appointment is a fitting tribute to his significant achievements, his commitment to the university and his concern for his fellow citizens. I know that he will excel in his new role as chancellor and that his talents and commitment will help to enrich the life of the university in coming years.

I invite all honourable senators to join with me in extending congratulations to Chancellor John Bragg.

SMALL BUSINESS WEEK

TWENTY-FIFTH ANNIVERSARY

Hon. Donald H. Oliver: Honourable senators, last week I was unable to speak about this issue, so I rise today to call your attention to the importance of promoting the interests of small business owners in Canada. This year marked the twenty-fifth anniversary of Small Business Week. From October 17 to 23, Canadians acknowledged the vital role small business owners play in fostering a strong Canadian economy.

This year, the theme of Small Business Week was: "YOU'RE THE POWER behind the Canadian economy, let's share the energy!"

Indeed, Canada's small business owners are the power behind the Canadian economy. Small- and medium-sized businesses make up about half of Canada's GDP. They employ six out of ten Canadians. It is estimated that this sector was responsible for over 250,000 new jobs in the year 2003.

Because of the dedication and commitment of our small business owners, financial experts predict that small business activity will outpace economic growth in the next two years.

One of the other key messages behind this year's theme is the need to address the rising costs associated with managing a small business in Canada. A recently released report by CIBC, entitled *Canadian Small Business: A Growing Force*, stated that "the biggest challenge faced by Canada's small business owners is rising energy costs, high insurance rates, and a heavy tax burden."

Honourable senators, we need to acknowledge the concerns of our entrepreneurs and put forth an aggressive strategy that will continue to promote the growth of our small businesses.

Since 2002, this country has gained more than 200,000 new entrepreneurs, and in the next two years it is predicted that another 150,000 to 200,000 people will do the same. It is believed that by the end of the decade, one in five Canadians will be working for themselves in some capacity.

GLOBAL WARMING

IMPACT ON THE ARCTIC

Hon. Lorna Milne: Honourable senators, I rise this afternoon to highlight a recent report commissioned by the Arctic Council, a report entitled *The Arctic Climate Impact Assessment*. The Arctic Council is a group of national governments and Aboriginal organizations working together to study issues that have an impact on the world's Arctic region. The study focused on the impact of global warming on the Arctic region, and I can tell honourable senators that the news is not good. Some of us already live with the problem.

The key finding in this report is confirmation that global warming is hitting the Arctic earlier and harder than most of the rest of the world. The models show that temperature will increase in our Arctic at double the rate that it will in the rest of the world. The specific results of this increase in temperature will be significant, and I urge all honourable senators to reflect on how some of these changes will affect their communities and, indeed, the planet's biodiversity.

Vegetation zones are moving northward as a result of the warming. Left unchecked, this will likely lead to frequent forest fires and increased insect outbreaks. We have already seen this very dramatically in the province of British Columbia.

The range in distribution of animal species will also shift. The result will be a decrease in the habitat area for many northern plant and animal species and could bring new natural predators to the region. Consequently, there is the potential to push some species toward extinction, including polar bears, caribou and some seabirds.

Coastal communities also face significant damage from unchecked global warming. Changes in the heights of tides and ocean currents will have an impact on both erosion and flooding. This has the potential to threaten many Canadian communities in the north, most of them Aboriginal.

Finally, although the ozone layer issue has been in some part addressed, the depleted ozone layer is still a serious problem in the Arctic. Global warming is exacerbating the historic damage to the ozone layer, and scientists predict that it will take decades before the layer over the Arctic is fully healed. Young Canadians in the North now receive ultraviolet radiation doses at least 30 per cent higher than any previous generation. This will probably have a significant impact on cancer rates in the North as the years go on.

Honourable senators, these are just a few of the problems that face Canada's Arctic if global warming is left unchecked. I do not have to tell honourable senators of the dire consequences of an increase in carbon dioxide in the atmosphere when the permafrost increases its rate of thawing.

I hope that the Senate will continue the work that has been started by Senator Banks and the Standing Senate Committee on Energy, the Environment and Natural Resources in the last Parliament to find ways to stop or at least slow down global warming. I strongly urge the federal government to implement a comprehensive program to protect Canada's Arctic.

THE HONOURABLE ANNE C. COOLS

CBC GREATEST CANADIAN SERIES— CONGRATULATIONS ON NOMINATION

Hon. Gerry St. Germain: Honourable senators, I rise to inform the Senate of the recent results of two informal polls that have taken place across Canada over the last several weeks and months.

It all started with a question: Who is the greatest Canadian? Last spring, the CBC initiated *The Greatest Canadian* series, and since then they have received over 140,000 greatest Canadian nominations from across the country. I am not talking about myself, honourable senators, for sure.

The series asks Canadians to vote and determine which Canadian comes out on top. Last week, the top 100 candidates for the greatest were revealed, and I am proud to say that one of our own was nominated. In fact, Conservative Senator Anne Cools is the only sitting parliamentarian to be selected by Canadians from all walks of life and from all parts of the country to make the top 100 names on the list.

Here is what can be found on the Web site printed beside her name:

After founding Women in Transition, one of the first battered women's shelters in Canada, she became the first Black person ever appointed to the Canadian Senate in 1984. She remains an outspoken defender of family values and rights, advocating for fathers' rights and fair treatment for men and women in the aftermath of divorce.

That is not all, honourable senators. In today's *Toronto Sun*, the headline says: "She's so Cools Senator Anne runs away with the Sun's 10 top women poll." Isn't that great?

Voters from across Canada, mostly men, cast ballots for our greatest Canadian and she won the *Toronto Sun*'s 10 top women poll with almost 50 per cent of the votes.

Honourable senators will know that Senator Cools has battled for divorce guidelines to give men equal access to their children after a split with their spouse.

So "Hear, hear" to one of the greatest Canadian nominees, the top woman nominee, and one of Parliament's great public servants. Senator Anne, keep on questioning the government, hold their feet to the fire, and always stick to your guns and to your principles.

NEED FOR NATIONAL AUTISM PROGRAM

Hon. Jim Munson: Honourable senators, two weeks ago, in my reply to the Speech from the Throne, I emphasized a need for a national program to treat autism, not the patchwork of programs we see in some parts of the country.

Since I spoke, I have received dozens of e-mails from coast to coast, messages that are both heartwarming and heartbreaking. This is a country where it is alleged we have a universal medicare program. One of the notes from a parent of an autistic child reads as follows:

I am one of those parents who, for years, paid for my son's early intervention program out of my own pocket....I sold my house to pay for the program, my elderly parents gave up their retirement nest egg and I sacrificed the university education fund of my other son to pay for the program.

Eventually, the bank refused to loan me any more for my son's medically necessary treatment and today I am still heavily in debt as a result. However, my son made significant progress in this therapy program and it was well worth every penny.

Senators, I hope that when we echo the words of Canadians in this chamber that they are not empty words and someone is listening. My government, all provincial governments must do more. This is a crisis and if you read the statistics, it is only going to get worse.

Listen to another mother.

I am the mother of an autistic 3 year old child...

If my daughter had cancer she would be in hospital immediately and they would have doctors and specialists provided for her immediately. For us, we would have to wait at least 10 months to get her seen by a doctor and with this disability 10 months is too long.

Senators we are talking about Canada's children, children who without professional and financial help will never have a chance to participate in their communities.

...There must be a national will to help tens of thousands of Canadians.

In closing, one parent said, "I just pray that things will change for the better soon." For things to get better soon, provincial governments, working with the federal government, must fund more, not less, treatment for autistic children.

• (1420)

The recommended treatment is intensive behavioural intervention. Provincial health care plans should be amended to include this medically necessary treatment for children with autism. Funding for this treatment should be available to all individuals with a diagnosis of autism, regardless of age and severity of affliction.

It has been said that these treatments are costly. Well, there should be no price tag on the caring of a child in this blessed and generous country called Canada.

PILOT OFFICER ANDREW CHARLES MYNARSKI

WORLD WAR II VICTORIA CROSS RECIPIENT— ERECTION OF STATUE

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, how does one recognize the utmost in courage and bravery in the face of the enemy, selflessness — a most conspicuous act of heroism that called for valour of the highest order?

Since 1856 the British Commonwealth has recognized valour with the award of the Victoria Cross. Some 94 Canadians held the British Commonwealth's highest award for exceptional bravery until Canada changed its honour system. Many historians and many Manitobans feel that the Royal Canadian Air Force's greatest hero, an example of bravery in the skies over Europe during the Second World War, was young Pilot Officer A.C. Mynarski, who was born in Winnipeg and joined the RCAF in 1941. During a raid on the Cambrai railway yards in France on June 12, 1944, Andrew Mynarski made a heroic effort to pry his rear gunner from the turret of his burning Lancaster, even though his own parachute and clothing were on fire. Ironically, Mynarski, who was able to bail out, died in the action while the trapped gunner survived to tell the tale. For his heroism, Mynarski was awarded the Victoria Cross.

The citation read:

Pilot Officer Mynarski was the mid-upper gunner of a Lancaster aircraft, detailed to attack a target at Cambrai, France, on the night of 12th June 1944. The aircraft was attacked from below and astern by an enemy fighter and ultimately came down in flames.

As an immediate result of the attack, both port engines failed. Fire broke out between the mid-upper turret and the rear turret, as well as in the port wing. The flames soon became fierce and the captain ordered the crew to abandon the aircraft.

Pilot Officer Mynarski left his turret and went towards the escape hatch. He then saw that the rear gunner, Flying Officer Pat Brophy, was still in his turret and apparently unable to leave it. The turret was, in fact, immovable since the hydraulic gear had been put out of action when the port engines failed, and the manual gear had been broken by the gunner in his attempts to escape. Without hesitation, Pilot Officer Mynarski made his way through the flames in an effort to reach the rear turret and release the gunner. Whilst so doing, his parachute and clothing, up to the waist, were set on fire. All his efforts to move the turret and free the gunner were in vain. Eventually the rear gunner clearly indicated to him that there was nothing more he could do and that he should try to save his own life. Pilot Officer Mynarski reluctantly went back through the flames to the escape hatch.

There, as a last gesture to the trapped gunner, he turned towards him, stood at attention in his flaming clothing and saluted, before he jumped out of the aircraft. Pilot Officer Mynarski's descent was seen by French people on the ground. Both his parachute and clothing were on fire. He was found eventually by the French, but he was so severely burned that he died from his injuries.

Pat Brophy had a miraculous escape when the aircraft crashed. He subsequently testified that had Pilot Officer Mynarski not attempted to save his comrade's life, he could have left the aircraft in safety and would, doubtless, have escaped death. Pilot Officer Mynarski must have been fully aware that, in trying to free the rear gunner, he was almost certain to lose his own life. Despite this, with outstanding courage and complete disregard for his own safety, he went to the rescue. Willingly accepting the danger, Pilot Officer Mynarski lost his life by a most conspicuous act of heroism which called for valour of the highest order.

Years after the fact, the man Mynarski tried to rescue said Mynarski's last words, as he stood covered in flames near the door during that final salute, were "goodnight, sir."

When a country forgets its heritage and the people who sacrificed all they had to build it, a nation loses its way. Courage like that exhibited by Andrew Mynarski must be recognized, so I ask all senators to join me, his hometown and family in Winnipeg, our 1st Canadian Air Division and the people of Britain led by none other than Prime Minister Tony Blair in helping to keep his memory alive through a statue that is being erected in Britain in Mynarski's memory. The goal is to raise almost \$96,000 Canadian for the "Forgotten Hero Campaign." I am happy to provide assistance to anyone needing further information in making a generous donation to a very worthy memorial to a great Canadian hero.

VISITOR IN THE GALLERY

The Hon. the Speaker: I wish to draw the attention of honourable senators to the presence in the gallery of Mr. Milton K. Wong, Chancellor of Simon Fraser University, who is the guest of the Honourable Senator Jaffer.

On behalf of the all honourable senators, welcome to the Senate of Canada.

[Senator Stratton]

ROUTINE PROCEEDINGS

COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

2004 ANNUAL REPORT TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2004 Report of the Commissioner of the Environment and Sustainable Development to the House of Commons.

GENOME CANADA

2003-04 ANNUAL REPORT TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the annual report of Genome Canada for 2003-04.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIRST REPORT OF COMMITTEE TABLED

Hon. David P. Smith: Honourable senators, I have the honour to table the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament, being a reprint of the *Rules of the Senate*, dated October 2004.

REPORT PURSUANT TO RULE 104 TABLED

Hon. David P. Smith: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament, which deals with the expenses incurred by the committee during the Third Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 91.)

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO HOLD JOINT SESSION WITH HOUSE OF COMMONS STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL TRADE TO MEET WITH GERMAN PARLIAMENTARIANS

Hon. Peter A. Stollery: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs be authorized to join the Standing Committee on Foreign Affairs and International Trade of the House of Commons for a joint meeting in order to meet with a delegation of German parliamentarians; and

That the Committee be authorized to meet at 4:00 p.m. on Wednesday November 3, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

• (1430)

SCRUTINY OF REGULATIONS

NOTICE OF MOTION TO AUTHORIZE JOINT COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. John G. Bryden: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearing.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. David P. Smith: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. David P. Smith: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Human Rights have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Human Rights be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

QUESTION PERIOD

HEALTH

PHARMACEUTICAL INDUSTRY— GOVERNMENT POLICY ON SALE OF PRESCRIPTION DRUGS TO AMERICAN CITIZENS

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate and it relates to what Canadians have been observing this last several months of the purchasing of prescription drugs by Americans in Canada, either through the Internet or through visits by American citizens to Canada for the purposes of securing drugs in this country. Could the minister advise this house whether the Government of Canada has any policy on this matter and, if so, could we have a brief description of that as well as an outline of Canadian public interest issues?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am happy to respond briefly to Senator Kinsella's question. The Government of Canada monitors the adequacy of pharmaceutical supplies for Canadians, and it does so in cooperation with the provinces whose jurisdiction is very much affected by the particular activity that the senator has described.

Senator Kinsella knows that the provinces supply pharmaceuticals to the residents of their provinces and are responsible for the management of that supply. There is no evidence at this time that there is any indicated shortage of any major pharmaceutical product for Canadian consumption. I might add that the government has noticed that the research promised by the pharmaceutical industry in Canada has dropped below the level which was assured in the agreement of that industry with the Mulroney government. Discussions are being held with respect to the constraints that may be appearing in the pharmaceutical industry carrying out its undertakings.

Senator Kinsella: The honourable minister is no doubt aware that, as recently as last evening, representatives of the pharmaceutical industry in Canada were visiting Parliament Hill. The minister's colleague, the Minister of Health, recently characterized the cross-border sale of Canadian prescription drugs to Americans as "a domestic U.S. issue." While it is true that this matter does primarily affect Americans at present, there is a potential for drug shortages in this country; and besides the shortage question, there is the economic question. There is the

potential for an increase in the cost of drugs from the present level. It is important to take note, honourable senators, that both candidates for the office of President of the United States have said that they are looking for ways to facilitate the purchase of prescription drugs from Canada.

Could the Leader of the Government in the Senate share with us whether he believes that the federal government has a position on this matter that addresses the issue of potential cost increase as well as the supply question?

Senator Austin: Honourable senators, those issues are under scrutiny at this time. As Senator Kinsella says, a number of American states and cities have been encouraging their residents to acquire drugs from Canada. The debate of the presidential candidates has also referred to this question, but the situation at this stage is to be characterized as requiring "watchfulness."

The government is also aware of the debates of the pharmaceutical manufacturers with respect to comparative pricing in Canada and the United States. It need hardly be said that Canadians have enjoyed the benefit of the legislation which provided for price review of pharmaceuticals in Canada in exchange for certain extensions of patent protection.

PHARMACEUTICAL INDUSTRY—INABILITY OF COMPANIES TO ACHIEVE RESEARCH TARGETS

Hon. Lowell Murray: On a related question, what will the government do about the reports that the pharmaceutical companies are not achieving the research targets they agreed to in this country?

Hon. Jack Austin (Leader of the Government): As I said in reply to Senator Kinsella's first question, the government has noticed that those targets have not been met. The discussion is underway with respect to constraints that have taken place in the pharmaceutical industry to determine whether there are adequate explanations that relate to the overall system, or whether there has simply been a lack of investment because of the attractiveness to those industries of other centres of research and manufacturing.

I am not in a position to give a report at this time.

JUSTICE

NATIONAL SECURITY—LACK OF GOVERNMENT ACTION TO LIST AL-TAWHID WAL JIHAD AS TERRORIST GROUP

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. This is the third time that I have raised the question of the government's intentions or attitude toward what is now clearly an al-Qaeda group, and that is the Al-Tawhid Wal Jihad group operating in Iraq. They have been together for virtually two years now and, as I indicated in the past, over 1,000 deaths have resulted from the actions of that group, a large number of them somewhat barbaric. Can the Leader of the Government advise us if there is a reason that the government has not taken action to date to ban this group?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have been pressing the appropriate departmental officials to respond to Senator Forrestall's first and second questions, and I will press them again to respond to his third similar question.

• (1440)

Senator Forrestall: Honourable senators, I concede that it is entirely possible that this question has not come before government, but I doubt it very much.

I want to re-emphasize the importance of this matter. The government, after all, is either for or against terrorism. Clearly, in the public evidence, this is a group of terrorists. They style themselves in that way and they act in that way — somewhat like a duck. In other words, if it quacks like a duck, it is very probably a duck.

Can the minister tell us whether this is a duck, whether the government is giving consideration to move under the Criminal Code of Canada and to exorcise this group from the legitimate groups in our society that not only aim to do good and profess to do good but in fact do good and not evil?

Senator Austin: Honourable senators, with respect to the main part of Senator Forrestall's question, of course we have to await an evaluation from CSIS, amongst other agencies. I hope that evaluation is so plain on the face of it that I can satisfy Senator Forrestall at an early time. However, I do not have a response to give him today.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

FIREARMS REGISTRATION PROGRAM— COST DISCREPANCY IN FIGURES ANNOUNCED BY MINISTER

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate as well.

On May 20, just before the election call, Anne McLellan, Minister of Public Safety and Emergency Preparedness, announced that the government would eliminate the fees for registering a gun and would cap the gun registry annual cost to taxpayers at \$25 million. The minister, in her news release, made further cost reductions sound easy when she said that "the annual cost of the Firearms Registry itself is already down to \$33 million..."

Honourable senators, on October 8, we received the Report on Plans and Priorities for the Canada Firearms Centre for the 2004-05 fiscal year. We do not know when the minister inked her name to it, but on page 5 we see that William V. Baker, Commissioner of Firearms, and John Brunet, Chief Financial Officer, signed off on the Report on Plans and Priorities on May 19, two days prior to the minister's announcement. On page 61 of the Report on Plans and Priorities, we see that the net cost of the program is expected to be \$101 million this year. If one were to ignore revenues, costs were expected to be \$120 million. Why do the cost figures in the Report on Plans and Priorities not jibe with the minister's \$33 million figure?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will have a response to this question as early as possible.

Senator St. Germain: I wish the leader good luck in finding that answer.

A member in the other place filed an access to information request to find out where the \$25 million figure came from, and he received 11 blank pages. The Report on Plans and Priorities usually gives a glance looking forward two years as to what the program will cost. We see a statement that those costs cannot be given because the program is under review.

Can we assume that the government does not have a clue as to how it will bring down the cost of the gun registry from \$120 million to \$25 million?

Senator Austin: I would like to give Senator St. Germain a careful and detailed answer. I will do so as quickly as possible.

REQUIREMENT OF TWO MINISTERIAL SIGNATURES ON NATIONAL SECURITY CERTIFICATES

Hon. Jack Austin (Leader of the Government): While on my feet, on Wednesday last, Senator Tkachuk asked me a question about security certificates. With his permission, I will give him a quick answer.

Since 1991, 27 security certificates have been issued, and all 27 security certificates were signed off by two ministers. No security certificates were issued during the year when only one minister had signing authority.

CANADA-UNITED STATES BORDER—HEIGHTENED TERRORIST THREAT LEADING UP TO AMERICAN ELECTIONS—INCREASED SECURITY MEASURES

Hon. Gerald J. Comeau: Honourable senators, my question to the Leader of the Government in the Senate also pertains to Security Minister Anne McLellan, who indicated on the weekend that Canada would beef up its border security in the run-up to the U.S. presidential election. During his meeting here in Ottawa with Anne McLellan, U.S. Attorney General John Ashcroft hinted that the terrorist community may be planning an attack during the prime time of the election.

Did Attorney General Ashcroft share with Canadian officials any evidence of heightened terrorist threats during the lead up to the election?

Hon. Jack Austin (Leader of the Government): Honourable senators, there was an extensive discussion of border security issues between the Deputy Prime Minister and Secretary Ridge at their meetings on October 14. Senator Comeau will be aware that the U.S. security officials are on heightened alert, believing that there is a possibility of an event inside the United States up to the date of the election, November 2.

The issue that concerns Canada and the United States together is ensuring that appropriate procedures are in place to secure each of our countries from either harbouring terrorists or providing a

base for their actions against the other country. We are dedicated, as is the United States, to work towards an effective regime at our borders to provide security to both countries.

Senator Comeau: Honourable senators, on a supplementary, can the Leader of the Government in the Senate share with Canadians what measures Canada is in fact taking to beef up security at the border? Should Canadians be concerned about the possibility of heightened terrorist attacks? Is there any way that Canadians can help with what may be a heightened security alert either coming from Canada towards the United States or from the United States towards Canada?

Senator Austin: Honourable senators, in response to the questions, I will give Senator Comeau a general reply. Specific programs are being developed to ensure that low-risk passengers between our two countries can move quickly and expeditiously. The same is also true with respect to cargo. Senator Comeau will be aware that various types of cargo are now designated for rapid clearance based on pre-clearance notification, so that checks can be made quickly to conform with the advance notice.

We are also targeting a common security program with respect to the millions of containers that come from outside North America carrying goods that are important to our respective economies.

Surveillance systems are also being put in place and have been put in place so that we can further the work of the Smart Border Action Plan entered into by Canada and the United States.

AIRPORT PRE-CLEARANCE PROTOCOL— BODY SEARCH OF PARLIAMENTARY VISITORS FROM POLAND

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, my question deals with security of a different kind. The Leader of the Government in the Senate alluded to the fact that there would be quick passage of low-risk passengers and quick passage of goods with notice. Unfortunately, that did not take place in the Calgary airport. As the government leader may recall, the Marshall of the Senate of the Republic of Poland, His Excellency Longin Pastusiak, was in Canada last week and was entertained at dinner and other events by our Speaker in this place.

• (1450)

On their journey west, when the entourage of the Marshall and fellow senators were going through airport security, the Marshall of the Senate of the Republic of Poland and Senator Sienkiewicz were body searched. At the check-in last Friday evening, Senator Sienkiewicz had to take her shoes off and had her purse precisely searched. She had also been scanned by the metal detector. Mr. Pastusiak protested to the management of the airport. Ms. Sienkiewicz said that they were treated as terrorists and that these were not civilized procedures.

Surely to goodness, if low-risk passengers are allowed to pass through security quickly in other locations, we can offer that same courtesy at our airports. If goods can be given quick passage through security with due notice, then, surely, with due notice, people such as travelling senators can be given speedy security clearance.

Was nothing done? What is the procedure or protocol when dealing with dignitaries in a situation such as that? The Polish senators considered the trip highly successful until they had to go through security at the airport in Calgary.

Since representatives of our Department of Foreign Affairs were travelling with them, one would have thought that they would have sought to have pre-clearance of these passengers.

Is there a protocol? Do members of the Department of Foreign Affairs generally travel with such dignitaries to assist them in situations such as this?

All the good that was done is now down the proverbial drain because of what took place in Calgary.

Hon. Jack Austin (Leader of the Government): Honourable senators, I know nothing of the event. This is the first time that it has been described to me. I take it that this was going through Canadian security.

Senator Stratton: Yes. What other security would you go through?

Senator Austin: They might be going to the United States and be going through pre-clearance security.

Senator Stratton: It was security at one of our airports.

Senator Austin: I will look into the matter, and I hope to respond in such a way as to explain what took place.

Senator Stratton: I would thank the honourable senator. It would be appreciated by all in this chamber to know whether a protocol has been established with respect to due notice and pre-clearance, so that we can at least send a message to the Department of Foreign Affairs that pre-clearance of visiting dignitaries is requested.

What is the protocol?

Senator Austin: I will look into the protocol. I am aware that the officials have the final word on whether they believe a situation exists which requires additional searches and security but, obviously, this event, which I take it took place, would make all of us uncomfortable.

REQUEST FOR GOVERNMENT APOLOGY

Hon. Leonard J. Gustafson: As a supplementary question, my secretary's son, who teaches English in Poland, just received a phone call as we were driving in from the airport. She was informed that, apparently, the headlines in the Polish newspapers are dealing with this situation. Someone has made a statement that he or she will never visit Canada again.

Is an apology being considered by the government?

Hon. Jack Austin (Leader of the Government): Honourable senators, again, I had not heard of this event. Is the honourable senator referring to the same event described by Senator Stratton?

Senator Gustafson: Yes.

Senator Austin: I will add that to my inquiry.

[Translation]

ORDERS OF THE DAY

FEDERAL LAW-CIVIL LAW HARMONIZATION BILL, NO. 2

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-10, A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law.

Hon. Pierre Claude Nolin: Honourable senators, as Senator Joyal told us last week, this is the second phase of an important and historic process of harmonizing federal legislation with the new Civil Code of Quebec. That process began some three years ago when we enacted Bill S-4. There will be a series of bills aimed at harmonizing all federal legislation with the civil law of Quebec. I do not intend to repeat everything that Senator Joyal said. His eloquent presentation of the historical origins of Quebec civil law and the main provisions of Bill S-10 is much appreciated.

I will start off by saying — and this may surprise or amuse some people, particularly the present and past ministers of justice — that I support this initiative. It is an eloquent demonstration of the undeniable advantages to our country of asymmetrical federalism. In my opinion, an opinion shared by a number of us moreover, Bill S-10 fully respects the spirit of the 1867 Constitution. For this reason, the official opposition in the Senate is anxious to see this legislative proposal by the government passed quickly.

I will do as Senator Joyal did and provide a bit of historical background. Let us ask ourselves: how far back does the idea of having a civil code in Quebec inspired by the French, and more specifically the custom in Paris, date? It predates the British North America Act considerably. In 1774, the British, in their highly pragmatic and realistic way, agreed to relieve the francophone population of the new English colony of certain obligations. Those obligations were shared elsewhere in other British colonies of the day. The decision was made to respect the Catholic faith shared by the majority of these new French-speaking British citizens and to allow them their own civil law, which was different from the private law in effect elsewhere in the Empire. With the Quebec Act of 1774, the British authorities acknowledged the right of the francophone population, mostly living in what is today the province of Quebec, to its own civil law, governed by its own legislation, which is clearly French in inspiration. That historical reality is clearly what influenced the Fathers of Confederation. I will make reference in passing, if I may, to the remarkable work done by one Quebecer of the day, Sir George-Étienne Cartier, who was not hesitant about

recognizing this particularity of Quebecers in the British North America Act of 1867. It was his wish to ensure that Quebecers could enjoy this regime specific to themselves, while being part of a federated country and while remaining Canadian citizens.

• (1500)

Because of their determination and their leadership, the Fathers of Confederation were at the heart of the “great compromise” which gave birth to the ideal that has always inspired Canadian federalism, which by the way — if I may be partisan for a moment — has always been very well defended by the party that sits as the official opposition in the Senate.

I have given this brief background because Bill S-10 gives us an opportunity to explain some historically-based realities to Canadians. Unfortunately, most Canadians have a tendency to take our situation for granted. I think that Canadians ought to understand why the government has decided to undertake this harmonization process.

We Canadians are envied by many people of diverse origins. Our particular legal system, which we call bijuralism, is part of this Canadian reality that allows Canadians to export this method of legal thought.

When it was studying the first harmonization bill, the Standing Senate Committee on Legal and Constitutional Affairs heard from a number of Canadian jurists who have developed this art of interpreting and harmonizing two systems of law. Experts came to explain to us how they are called upon to solve similar problems in Europe. The Europeans are now having to amalgamate various legal realities similar to those facing Canadians, and particularly Quebecers. Canadian federal criminal law applies everywhere, even in the province of Quebec, where the civil law is very different from the legal system in other provinces. Hurrah for Canada’s asymmetry!

It has nothing to do with the Meech Lake Accord. Honourable senators, do not let yourselves be confused by intemperate remarks that have nothing to do with what I am saying.

I would like to quote a historic declaration. In 1865, George-Étienne Cartier said:

No other system but federalism — he was referring to Confederation — is possible. Some have claimed that it was impossible to make Confederation work because of differences of race and religion. Those who share this opinion are wrong. On the contrary, it is precisely because of this diversity of races and local interests that the federal system must be established and that it will work well.

Honourable senators, this quote will help you grasp the importance of the bill, which many of you will perceive as a technical bill, somewhat tedious to examine, but highly important to Canada’s bijural reality. George-Étienne Cartier’s statement, 140 years later, is highly significant.

The bill that Senator Joyal is calling on us to consider, on behalf of the government, is part of this federative reality. We must follow his lead and accept this call. For those not interested in the consideration of this bill, I am sure that, like me, Senator Joyal

would like to invite you to help us at the Standing Senate Committee on Legal and Constitutional Affairs — and I see the Chair of the committee, Senator Bacon, nodding her head. It would be our very great pleasure to share with you this discovery of Canadian bijuralism. That is why, honourable senators, the official opposition in the Senate will support this bill.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Joyal, seconded by the Honourable Senator Carstairs, that the bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: When shall this bill be read the third time?

On motion of Senator Joyal, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[English]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Chaput, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-eighth Parliament,

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that the following be added to the Address:

“and we urge Your Excellency’s advisors, when implementing the details of their proposals, to review the Employment Insurance program to ensure that it remains well-suited to the needs of Canada’s workforce, to reduce and improve the fairness of taxes, to be unwavering in the application of fiscal discipline, to examine the need and options for reform of our democratic institutions, including electoral reform, and to rise above partisanship to address the public interest;

That Your Excellency’s advisors consider the advisability of the following:

1. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend measures that would ensure that all future uses of the employment insurance program would only be for the benefit of workers and not for any other purpose;

2. opportunities to further reduce the tax burden on low and modest income families consistent with the government's overall commitment to balanced budgets and sound fiscal management;

3. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to make recommendations relating to the provisions of independent fiscal forecasting advice for parliamentarians including the consideration of the recommendations of the external expert;

4. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend a process that engages citizens and parliamentarians in an examination of our electoral system with a review of all options;

5. with respect to an agreement on ballistic missile defence, the assurance that Parliament will have an opportunity to consider all public information pertaining to the agreement and to vote prior to a government decision;

And we ask Your Excellency's advisors to ensure that all measures brought forward to implement the Speech from the Throne, including those referred to above, fully respect the provinces' areas of jurisdiction and that the financial pressures some call the fiscal imbalance be alleviated."—(5th day of resuming debate)

Hon. J. Michael Forrestall: Honourable senators, on October 5, just three weeks ago, Her Excellency the Governor General delivered yet another Speech from the Throne setting out the Martin Liberals' legislative agenda, while on that same fateful day in the North Atlantic, off Ireland, HMCS *Chicoutimi* suffered a fire, lost power and had to wait for international rescue.

As has become so often the norm with first the Chrétien and now the Martin Liberal government throne speeches, there was little mention of national defence or the larger issue of national security. Instead, both were afterthoughts tucked into the final closing paragraphs of the speech. This is not surprising given that ministers in the Martin cabinet have been more interested in whose riding gets the National Defence Headquarters and the alleged spin-off jobs such a move would create — because it is a movement from one locale to another — than about the nuts and bolts issues of national defence, like having well-equipped, combat-ready forces. It is in fact a harsh commentary on a government that not only apparently dislikes national security issues but also does not seem to understand them or just what is at stake.

• (1510)

The Speech from the Throne promised the long-awaited international review in the form of a comprehensive international policy statement. We were told that this policy would reflect the integration of defence and foreign policies with international trade. The international policy statement was written over the summer in the dark halls of the Pearson Building on Sussex Drive and was rumoured to be the genesis of the Liberal government's election promise of a new 5,000-person peacekeeping brigade — for a form of peacekeeping, the blue berets, that really no longer exist — to come out of the existing force structure. The international policy statement would also serve as a communications strategy to tell the world that Canada is independent of the Liberal-loathed Bush administration just to the South.

The throne speech also set out what was to be one of the gravest weaknesses of the government's so-called policy of effective international engagement. While most states develop an overarching national security policy and then produce component policies for foreign affairs, defence, international trade, immigration and others, the Martin Liberals did it backwards by developing a national security policy that is a subordinate component of its foreign policy, before the international policy statement was even written.

Sadly, the national security policy did not come with a comprehensive threat assessment or clearly defined objectives to allow for its orderly implementation. While the Speech from the Throne announced that the government has already started to implement its so-called first-ever comprehensive national security policy, its bureaucrats were in the process of preparing for a massive national strike that would have robbed us of some of our most important national security assets, in terms of our eyes and ears, in the Canada Border Services Agency, and intelligence officers and analysts who are not considered essential services.

While I am somewhat cheered, and grateful, for example, for yesterday's luncheon with the Deputy Prime Minister, with respect to the initiative to form a joint parliamentary committee to monitor national security and intelligence, I am concerned that its members will be out on strike when the committee is needed most against al-Qaeda and others who might act out to an alarming degree in the upcoming U.S. presidential election.

Finally, just when we thought the government would provide some aid and comfort to our military community, and particularly the 57 Canadians then stranded in the North Atlantic on a much-maligned Victoria-class submarine, the Liberals announced in the throne speech that:

...enhancing Canada's security means that we have to invest more in our military as part of defending ourselves at home, in North America and in the world.... But ours will never be the biggest military force, so it must be smart, strategic and focused.

What an excellent way of saying no more money. What the government promised instead was an increase in our regular forces by some 5,000 troops and in our reserves by 3,000, so that "they may be better prepared and equipped to meet these challenges."

In connection with the reserves, the difficulties we have in recruiting and keeping those recruits, once we have trained them, is not a minor item at all. One aspect of the difficulties that has been on a critically important agenda for a long time now is the question of pensions for those members of the reserves who serve either full-time, or largely full-time, within the Canadian Forces structure.

What the government did not say is that these new lightly armed, purely Pearsonian peacekeeping troops will likely come at the expense of the navy and air force through base closures and equipment, and thus personnel, reductions. The promised new troops are at least, on initial investment, a \$2.5-billion promise, and another \$500 million per year thereafter. This help will come to the overtaxed army at the same time the operations and maintenance deficit of the military is well over \$1.5 billion, by all estimates, and rapidly closing on the \$2-billion shortfall mark for this year alone.

It is no wonder that first our previous minister and now the Associate Minister of National Defence are more interested in what Liberal riding they want to put National Defence Headquarters. As a single issue, this surely and apparently outweighs the fact that our 20 or so upgraded CF-18 fighters cannot travel independently to a battle zone. This is because we do not have a strategic tanker to airlift fuel for these fighters. This is a measure that the government said they would take a very serious look at and correct back in the 1994 white paper.

Moving National Defence Headquarters must be more attractive than admitting that we do not have a flying replacement for the Sea Kings. Few in this chamber will be unaware of how long it is that I have been concerned about the absence of that replacement. This government does not want to admit that we are now 10 years past the promised replacement for our direct-fire support capability in the army or that the government talked about getting four Upholder-class submarines operational or new operational support ships that might help keep the concept of the Canadian naval task group alive in theory, as well as our navy alive in reality.

In conclusion, honourable senators, either through concerted plan or benign neglect, this government and its predecessor have continued to erode our national security. The most recent Speech from the Throne merely continues what must now be described as a very alarming trend.

Hon. Tommy Banks: Honourable senators, my contribution to the debate will relate mainly to my views on the amendments that have been proposed.

I am used to people who propose amendments to government legislation, because the great province of Alberta is where I was born, raised and live. Alberta is home to many unique and wonderful things. It is home to Ralph Klein, for a start; it is home

to the first international jazz festival in Canada; the largest mall in the world; the Calgary Stampede, the greatest outdoor show on earth; and the Edmonton Grads, the winningest sports team in recorded history in any organized sport.

Alberta is the true West, the last best West, and it has the magnificent Rocky Mountains and the spectacular prairies. Alberta is also home to distinguished historical traditions: The first female magistrate in the British Empire was appointed in Alberta; the Famous Five, who made sure that women were "persons" lived in Alberta; the demonstrable volunteer championships of the world are in Alberta; and Alberta is the repository of independent political thought in Canada.

Senator Corbin: What about dinosaurs?

Senator Banks: Yes, political and otherwise. Among those dinosaurs have been political parties: The Confederation of Regions Party, the Alberta First Party, the Progressive Party, the Social Credit movement, and the founding conventions of the CCF, the Social Credit Party and the Reform Party.

• (1520)

Senator Mercer: Not that gang!

Senator Banks: Yes, even them. It is the home, too, of the greatest of all Alberta traditions, "fed-bashing," which is the leading participation sport in Alberta.

Senator Joyal: In Quebec, too.

Senator Banks: It is bred in the bone in Alberta — and in Quebec — and Alberta fed-bashing is indiscriminate in that it applies to whichever party happens to be in power in this city at any time. The political stripe of the government in Ottawa makes no difference.

The Reform Party, for example, was born at the height of a long run of Progressive Conservative governments in Ottawa, which was loaded with Alberta-based powerhouses, such as Joe Clark. I remember when the Right Honourable Don Mazankowski was the minister of everything. That government included among its accomplishments — and this was an accomplishment — the introduction of free trade, which has turned out to be a very good thing for Canada.

However, that did not matter, because, at that time, when every single elected member of the House of Commons from Alberta was a Progressive Conservative, the Reform Party sprang up. It is the nature of Alberta. In most parts of Alberta, if you want to be invited to join the right club, to play golf at the right course and go to the right parties, it is *de rigueur* to do a certain amount of fed-bashing. Young Albertans learn at their parents' knee that their mission in life is to protect Alberta, whether it is well off, as Alberta is now, or whether it is poor, as it was until 1963, from what Alan Kellogg, writing with his tongue in cheek in the *Edmonton Journal*, referred to as "the ravenous, rapacious rabble to the east" — the east being Manitoba and any place east of there.

In Alberta, the conversation at home sounds like this: "What are you going to do when you grow up, sonny?" "I don't know, daddy, but I'm sure going to bash those feds." "Good boy!"

However, in the past few months, particularly since this Speech from the Throne, a perusal of newspaper and magazine articles, of editorials, talk shows, radio and general coffee table conversation has shown a certain mellowing of the bashing. That is because, simply and irrefutably, the country is clearly on a better course now than it was 10 years ago. In the debate the week before last, the Honourable Leader of the Opposition mentioned that parts of the throne speech sounded familiar. That is correct. There are welcome new initiatives outlined by the government in the Speech from the Throne — a new sense of federalism, the commitment to better working with territorial and provincial governments and with Aboriginal peoples, a comprehensive strategy for the North, literacy initiatives, changes to equalization, new inclusive strategies for cities, revitalization of older communities, partnerships to deal with homelessness, a new emphasis on the economy, and child care initiatives. All of these items constituted the campaign run by this government during the most recent election. This government is setting out to do exactly what it said it would do — not in a Belgium plan but in a Canadian one.

In addition to all those new initiatives, there is a clear commitment to continue the good, prudent and beneficial course set for Canada from 1993, a course the consistency and continuity of which has made our country once again the envy of the world.

In respect of fiscal and financial prudence, we have heard complaints of late, and one of them is contained in one part of the amendment that is before us, that Canada now has a larger budget surplus than was predicted in the last budget, and that there is something wrong with that.

Is it only Liberals who think that finding that you have a larger surplus than you thought you would have is a good idea or is good news? Is it only Liberals who understand that it is better to underestimate surpluses than to underestimate deficits, which was always the case before 1993? Is it only Liberals who think that having a larger rather than a smaller surplus in the end is a good thing and that paying down the long-term debt by tens of billions of dollars is a good thing? Is it only Liberals who know you must create wealth before you can spend it? Is it only Liberals who think that conservative forecasts as to revenues are prudent and the best way to operate?

I spent my life in a business in which it is axiomatic that you do not plan your expenditures based on the assumption of a full house. To do so would be folly, and you would end up in dire straits, as our country was 10 years ago.

It is Liberals who practise prudence. In respect of the amendment that proposes an independent financial forecaster involved in the business of government, I admit that parliamentary government is a very inconvenient thing. Sometimes it is very inefficient. However, it is Parliament that is supposed to govern. If we do otherwise, we might as well farm out the management of the country to PricewaterhouseCoopers and a batch of MBAs and we can all go home.

If there is anyone who knew, when the last budget predictions were made, that a 80-cent dollar was going to happen, and that it would not have, at least so far, a seriously negative effect upon our exports, and that there would be oil at \$55 a barrel and what the results of that would be, I hope they will hold up their hands and step forward, because we should honour them as we once honoured the oracle at Delphi.

Nobody knew it. It was not possible to predict with any accuracy what the true extent of the surplus would be.

Prudence — simple conservative, fiscal prudence — is why this government has been the only government ever to pay down the national debt by so much as a dime, and this government has paid it down by tens of millions of dollars. It is that same prudence, good sense and creativity that is represented in the Speech from the Throne before us and which will, under this government, ensure that Canada will continue to be the envy of the world.

I have great misgivings, at the very least, about those aspects of the amendments we are now considering in the response to the Speech from the Throne.

On motion of Senator Stratton, debate adjourned.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I draw your attention to the presence in our gallery of our former colleague, the Honourable Sheila Finestone. Welcome back!

Hon. Senators: Hear, hear!

[*Translation*]

OFFICIAL LANGUAGES

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser, for the third reading of Bill S-3, to amend the Official Languages Act (promotion of English and French).—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau: Honourable senators, allow me to congratulate our former colleague who is now retired, Senator Jean-Robert Gauthier, on his tenacity with this bill.

This bill is before us in the Senate for the fourth time. It was reviewed extensively in committee twice, in 2001 and again in 2003, and died on the Order Paper three times.

The bill has three purposes: first, to specify the duties of federal institutions under part VII of the Official Languages Act and the possibility of making regulations concerning the manner in which the duties set out in section 41 of the Act are to be carried out.

Second, it imposes on the government the requirement to take appropriate measures to implement the commitments under part VII of the Official Languages Act and provides for applying to the court for a remedy if part VII of the Official Languages Act was contravened.

For the benefit of those who may not remember the scope of section 41, it states as follows:

The Government of Canada is committed to

(a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and

(b) fostering the full recognition and use of both English and French in Canadian society.

• (1530)

The government is showing us that section 41 is supported by a political commitment. In the end, this is a statement of good intentions.

In other words, the government is saying: "You can trust us; there is no need to compel us to meet the intent of section 41, because we will meet it."

First, the bill creates, through regulations, the positive measures that are necessary to fulfil the commitment made in section 41 of the Official Languages Act. Second, the bill seeks to make the Minister of Canadian Heritage more accountable as regards the fulfilment of the commitment given. The key word here is "accountable." This is a term that has often been used by the government in recent years. Third, the bill provides for an application for remedy under the rights provided in part VII.

[English]

I would now like to refer to the 2003-04 annual report of the Office of the Commissioner of Official Languages and a number of comments made in the report under the heading "Clarification of Part VII of the *Act* needed."

In the last Annual Report, the Commissioner again recommended that the government define the legal scope of the commitment set out in section 41 of the *Act* and take the necessary steps to effectively discharge its responsibilities under the *Act*....

The Commissioner is disappointed that the government ... preferred to use the courts to clarify the scope of Part VII.

We in this house, like the commissioner, should also be disappointed with this approach. It should be Parliament and not the courts which define what we place in legislation, and then we should leave it up to the courts to interpret what we have proposed. We should not leave it to the courts to determine what should be the promotion of the two official languages in Canada.

I will refer again to the commission, quoting directly from the report. It states that the government:

...explained its position in Parliament as follows: "Part VII of the *Official Languages Act* is declaratory, in that it does not expressly include any substantive legal right or obligation.... As a result, Part VII is not justiciable, in that it does not provide for a legal remedy in cases of alleged breaches."

Continuing from the report:

...the government states that this does not in the least weaken its resolve to foster the vitality of minority communities.

...the Commissioner has noted major ambivalence within the Government of Canada concerning the implementation of Part VII of the *Act* ... communities expect even more from a government that constantly reaffirms that it is really committed to enhancing linguistic vitality.

According to the commissioner, the time has come to act.

It seems more reasonable to legislate than to go to court. In this context, it should be pointed out that the Senate, the traditional champion of minorities, had already passed Bill S-4 to clarify the government's obligations in this matter.

[Translation]

These statements by the commissioner should spur us to take action. This is why I am proposing that the bill be passed quickly, so that we can meet the obligations, as set out in the bill and as intended by those who drafted the bill at the time.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Lapointe, seconded by the Honourable Senator De Bané, P.C., for the second reading of Bill S-11, to amend the Criminal Code (lottery schemes).—(Honourable Senator Stratton)

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I canvassed our caucus and no one wishes to speak to this item. I note, however, that lottery schemes are generally a provincial matter. We tread on unsure or unsafe ground by going into their part of the world. I think that there should be consultation in committee with the provincial governments, should provincial governments want to make representations. It is important that that be done.

The Hon. the Speaker pro tempore: Are senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Rompkey, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

STATUTES REPEAL BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Corbin, for the second reading of Bill S-5, to repeal legislation that has not come into force within ten years of receiving royal assent.—(*Honourable Senator Stratton*)

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I canvassed our caucus with respect to this bill as well. No one objects to it or wishes to speak to it.

Should we pass this bill, how are we to be assured that it will come into effect? Other bills have passed and nothing happens.

Hon. Tommy Banks: I suspect that if we were to hear a report from a committee that had positively considered the present bill, and if it had come before this house for consideration, that it is unlikely we would agree to a coming into force clause permitting anything other than a specific date and time for the coming into force of such a bill.

The Hon. the Speaker pro tempore: Are senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Banks, bill referred to Standing Senate Committee on Transport and Communications.

• (1540)

PERSONAL WATERCRAFT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Mira Spivak moved the second reading of Bill S-12, concerning personal watercraft in navigable waters.

She said: Honourable senators, I have introduced a bill related to personal watercraft four times in this chamber since May 2001. Committees of the Senate have reviewed these bills during three parliamentary sessions; twice a personal watercraft bill has received third reading and been sent to the other place. In its last appearance as Bill S-8, it received the start of a lively debate on second reading in the House of Commons. The election was then called and it died again on the Order Paper — not my fault.

To refresh everyone's memory, this simple and popular measure aims to correct an oversight in our current boating restriction regulations. Bill S-12 would not ban personal watercraft, also known as jet skis, everywhere; it would not automatically ban these thrill craft anywhere. Rather, the bill would give municipalities and cottage associations a way to exercise a measure of choice and a measure of local authority in determining where the watercraft can be used safely and where they pose too great a threat to safety and to the environment.

The bill lays out a process of local consultations that would lead to a resolution to restrict personal watercraft, PWC, use in some fashion, publication of that proposal in the *Canada Gazette*, a comment period to give others beyond the local community a chance to express their views, and ministerial discretion to deny a local request under certain conditions. This process parallels the process already in place for dealing with other recreational boats or for dealing with waterskiing. It is similar to a regulation that the Coast Guard proposed in 1994 — until it was waylaid by personal watercraft manufacturers.

The bill presents a reasonable, balanced and transparent approach to addressing the problem that these high-powered thrill craft have created on our lakes and rivers for more than a decade. Canadians are just as eager to see it become law as they were three and one half years ago. Over the summer, my office received calls and e-mails from many people who wanted to know what had become of Bills S-8 or S-10 or S-26. They wanted to know when the bill would be before Parliament again, and most of all they wanted to know when they could use it to protect their local lakes.

In all, some 80 organizations are behind this bill. Hundreds of individuals have written to their members of Parliament asking that it become law. There are 3,400 signatures on petitions urging the Senate to approve the bill. Nothing on that front has changed; the support for it continues to grow. By the same token, the case for the bill on safety and on environmental protection keeps growing.

Last spring, we were able to report the assessment of experts from the Lifesaving Society that personal watercraft are more deadly than other boats. Sadly, this fall, we can add to that. Over the past summer, newspapers reported the death of a 32-year-old St. Catharines man found unconscious near his personal watercraft; of a four-year old girl who was riding with her grandmother and aunt in a paddle boat on Green Lake in Quebec when it was struck by a PWC; and of an Alberta couple who disappeared from their air mattress when it was flipped by the wake of a PWC — their five-year old daughter was rescued but orphaned. How many more tragic deaths must occur before people can use this bill to apply local knowledge of local waters and to designate where it is safe to use these zippy and sometimes dangerous little vessels?

On the environmental front, we also have hopeful reports. Five years ago, on Lake Tahoe, Nevada, a regional planning authority was so concerned about the emissions of personal watercraft that it banned everything powered by a carbureted two-stroke engine. This fall, the regional authority reported an 80 per cent reduction in the level of burned and unburned gasoline products in its water. In areas where drinking water pollution is the prime concern, Bill S-12 would allow communities to take a similar step. Perhaps Evinrude, a division of the former Bombardier Recreational Products Inc. could assist them in the same way that it is assisting Lake Tahoe to improve its water quality.

On the manufacturing front, there is also news. The main American manufacturer, Polaris, has stopped manufacturing personal watercraft, citing a shrinking market that has little prospect for recovery. A U.S. private-equity specialist, Bain Capital, the Bombardier family and Quebec's Caisse de dépôt et placement now owns the former Bombardier division. Last month, it was reported that the buyers received \$22 million in fees to arrange financing for the \$807-million purchase to manufacture snowmobiles, ATVs and PWCs.

Perhaps worst of all, from a cottager's perspective, is the news that a extreme personal watercraft product will be launched on the market later this month and will be in full production early next year: a surfboard powered by a jet-propelled engine.

Fifteen years ago, officials from many government departments acknowledged that Canada's system of regulating boating had not kept pace with the then-new personal watercraft. They realized that without regulation we were allowing the owners of some 50,000 PWCs to trump safety, the environment and the enjoyment of millions of Canadians who are swimmers, canoeists, sport fisherman, tourists and cottagers.

For more than five years, through this bill, I have attempted to balance the equation — to give PWC users the safest places to enjoy their sport, wherever they are allowed to do so, and to give peace to millions of others. I am hopeful that honourable senators will see fit to give this bill prompt consideration and passage so that this time it may come to a vote in the other place.

On motion of Senator Rompkey, for Senator Hervieux-Payette, debate adjourned.

• (1550)

SCRUTINY OF REGULATIONS

FIRST REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee for the Scrutiny of Regulations (permanent order of reference and expenses re: rule 104), presented in the Senate on October 21, 2004.—(*Honourable Senator Bryden*)

Hon. John G. Bryden moved the adoption of the report.

Motion agreed to and report adopted.

STUDY ON QUOTA ALLOCATIONS AND BENEFITS TO NUNAVUT AND NUNAVIK FISHERMEN

REPORT OF FISHERIES AND OCEANS COMMITTEE—MOTION TO REQUEST GOVERNMENT RESPONSE ADOPTED

Hon. Gerald J. Comeau, pursuant to notice of October 20, 2004, moved:

That, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government to the fourth report of the Standing Senate Committee on Fisheries and Oceans, entitled *Nunavut Fisheries: Quota Allocations and Benefits*, tabled in the Senate on April 1, 2004 and adopted on May 13, 2004, during the Third Session of the Thirty-seventh Parliament, with the Minister of Fisheries and Oceans being identified as Minister responsible for responding to the Report.

He said: I am quite sure the motion as it stands is self-explanatory. Having tabled this report, we would for a response from the government.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Lise Bacon, pursuant to notice of October 21, 2004, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Lise Bacon, pursuant to notice of October 21, 2004, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to engage services of such counsel and technical, clerical, and other personnel as may

be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates that are referred to it.

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

APPENDIX

Address

of

His Excellency Vicente Fox Quesada

President of the United Mexican States

to

both Houses of Parliament

in the

House of Commons Chamber, Ottawa

on

Monday, October 25, 2004

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His Excellency and Madam Vicente Fox Quesada were welcomed by the Right Honourable Paul Martin, Prime Minister of Canada, by the Honourable Daniel Hays, Speaker of the Senate and by the Honourable Peter Milliken, Speaker of the House of Commons.

[English]

Hon. Peter Milliken (Speaker of the House of Commons): President Fox, Señora Sahagún de Fox, Prime Minister, Mrs. Martin, Mr. Speaker, Ms. Hays, Ladies and Gentlemen, Mesdames et Messieurs, Señores y Señoras, it gives me great pleasure to welcome you all to the Chamber of the House of Commons, though I know some of you are rather familiar with this place.

However, without further adieu I would ask the Right Hon. Paul Martin, Prime Minister of Canada, to say a few words.

Mr. Prime Minister.

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker of the Senate, Mr. Speaker of the House, Ladies and Gentlemen. It is a great privilege for me to welcome to Parliament the President of Mexico, Mr. Vicente Fox and Madam Marta de Fox.

At the very outset I wish to commend the government of President Fox for carrying forward its commitment to democracy, prosperity and to building the strong relations that exist throughout North America.

Under President Fox's stewardship, Mexico is making great progress in the fundamental process of promoting political and economic reform, of ensuring open, accountable and transparent government, and of instilling greater confidence among the people of Mexico in their institutions.

Mexico is ever more a model for peaceful, democratic development.

[Translation]

The most significant legacy of President Fox will perhaps include such achievements as solid democratic foundations, free and fair elections, macro-economic growth, stability, and greater confidence in government and public institutions.

My colleagues, we are welcoming President Fox and his delegation of ministers, parliamentarians and business leaders at a propitious moment in our bilateral relationship. This year we celebrate together a number of significant milestones.

The first of these is sixty years of diplomatic relations between our two countries. In January 1944, Prime Minister Mackenzie King and President Manuel Avila Camacho established official ties, and ambassadors were exchanged.

[English]

It was a time when both of our countries lived under the cloud of war, when our government and people were focused on the hostilities in Europe. It was also a time when Mexico was experiencing profound change and transition at home. In spite of these circumstances, leaders in both of our countries had the vision and the foresight to see the value in cooperating as neighbours in North America.

[Translation]

Second, we are celebrating the successful completion of 10 years of the North American Free Trade Agreement with our partners in Mexico and the United States. Thanks to NAFTA, the three countries of North America have benefited from new jobs and enhanced prosperity.

Thanks to NAFTA as well, these 10 years have seen the value of our trade relations with Mexico triple to close to \$15 billion annually. Today, Mexico exports as much to Canada as to the European Union and Japan combined. Canada has grown to become Mexico's second largest export market, and Mexico is Canada's sixth.

The third milestone is the 30th anniversary of the Seasonal Agricultural Workers Program (SAWP). This program was created in cooperation with Mexico and offers seasonal employment opportunities in Canada to Mexican workers, while meeting our need of workers.

[English]

Next year we will commemorate yet another important milestone, the 100th anniversary of the presence of the Canadian Trade Commissioner Service in Mexico.

President Fox and his delegation visit us today as true friends, good neighbours and strategic partners for Canada. As the three governments on this continent look to the future, we are identifying issues and solutions that will further enhance and build on North American prosperity and make our region even more competitive and successful in the global economy.

Our government hopes that the success of Canada, Mexico and the United States under NAFTA will also be the basis for a larger hemispheric trade zone, one that will generate greater prosperity and closer contact between all of the peoples of the Americas.

Canada and Mexico are announcing today a new initiative designed to further deepen and broaden our already impressive level of bilateral cooperation. This new Canada-Mexico partnership will not only build upon our government to government links, but more important, will fully engage and commit the business, social policy and academic communities in both of our countries in order to increase our common prosperity.

[Translation]

Fellow parliamentarians, the relationship between our countries cannot be judged only by its commercial success. It now includes relations and joint action in totally new areas. Canada has been a leading supporter of the reforms undertaken by President Fox in Mexico. It has worked with Mexico to implement the six points of the Mexican government's reform program.

In areas such as governance, our two countries have shared expertise and best practices for budget planning, improving the public service, access to information, privacy and federalism.

[English]

President Fox, I have just noticed that I have talked about how we are exchanging information on the best ways of making financial projections. Let me simply say to you, President Fox, that you and I have great confidence in the way that Minister Goodale does it but I am not sure that everybody else in this House shares that view.

In areas such as electoral cooperation, we have seen a longstanding exchange of information between Elections Canada and Mexico's electoral institute. And today it is most impressive that other countries send electoral observers to Mexico to learn how to carry out transparent, free and efficient elections.

We should all in this House take pride in noting that aspects of Mexico's recent access to information legislation were drawn from past Canadian experience and dialogue with Canada, and that we are about to embark on an exchange of information with Mexico in the area of privacy legislation as well.

I would also note the potential to expand cooperation in areas such as indigenous affairs, a high priority issue for our government and I know for yours and one where both countries have much to share.

[Translation]

On the international scene, our government is pleased to see that our two countries have begun to work closely in taking on global challenges, such as the international human rights program and the promotion of good governance, particularly in a multilateral context, the issue of overfishing in a global context, and the creation of a body like the G-20 for heads of state.

We applaud Mexico for its leading role in complex issues such as UN reform. In this respect, Canada has worked with Mexico to explore how the international community can effect change in UN institutions, and thus make them more effective and more representative.

In fact, in many areas, our international perspectives and priorities are becoming more and more alike. Like Canada, Mexico recognizes that certain issues, such as global environmental degradation, poverty and the terrorist threat, must be addressed by the international community as incubators, to a major extent, for the instability, conflicts and hunger the world is facing today.

Through their relations with the United States, both our countries are also striving to increase trilateral border cooperation to enhance the security of our people, while ensuring the free movement of goods, which is so vital to the North American economy.

[English]

Fellow parliamentarians, I would be remiss if I did not briefly mention the remarkable expansion of people to people ties between our two countries. Who would have ever imagined, even a few years ago, that one in every twenty visitors to Mexico today would be from Canada. Increasingly, Canadians visit Mexico, not only for the beaches in winter, but also to visit its cities and historical sites, to learn more about its experience, its vibrant history, its culture and its language.

Who would have imagined that nearly 200,000 Mexicans now visit Canada every year to enjoy our natural beauty and our vibrant multicultural cities, that Mexico would grow to become one of the largest sources of foreign students in Canada, and that we would have seen such an impressive expansion of Canadian studies in Mexico, with over 400 bilateral agreements joining our two countries.

Today, President Fox and I witnessed the signing of a number of new such agreements, agreements that will further collaboration and exchange.

[Translation]

Who could have imagined, with the movement of people from Mexico and other countries in our hemisphere to Canada, that Spanish would assume an increasingly important place in the linguistic landscape of Canada and, in some provinces, such as Quebec, would be the third language spoken.

We are also very pleased with the growing presence in Canada of Mexican artists — both in the visual arts and the performing arts — and the growing demand for Canadian culture in Mexico.

Last night, many of us had the pleasure of attending the magnificent performance of the Folklórico d'Amalia Hernández ballet. Concurrently, the Marie Chouinard ballet company of Montreal and the Boca del Lupo theatre troupe of Vancouver were representing Canada at the Cervantino Mexican cultural festival, which is world renowned and held in the Mexican State where President Fox was born.

[English]

As a parliamentarian, I wish to highlight the importance of our growing parliamentary dialogue and exchange with our colleagues from the Mexican congress, some of whom are with us today as part of President Fox's delegation. Canada would welcome more interparliamentary dialogue.

Between our two countries, in the next few months, I understand that Mexico will host a parliamentary delegation from Canada. We will be seeking to attend the 13th Canada-Mexico interparliamentary meeting. I am pretty sure, President Fox, that the Canadian side will be suggesting a venue in Cancun, perhaps next January.

Fellow parliamentarians, I am honoured to introduce to you the President of Mexico, Mr. Vicente Fox.

H. E. Vicente Fox Quesada (President of the United Mexican States, Lib.): [*President Fox spoke in Spanish, translated as follows:*]

[*Translation*]

Thank you. Your message of welcome is an indication of the intense, powerful friendship and association of this country with Mexico. Thank you very much on behalf of the Mexican people.

Most honourable Right Hon. Paul Martin, Prime Minister of Canada; Chief Justice of the Supreme Court of Canada, Mrs. Beverley McLachlin; Hon. Daniel Hays, Speaker of the Senate; Hon. Peter Milliken, Speaker of the House of Commons; hon. senators and hon. members of Parliament, I am deeply grateful for the honour of being received by this honourable Parliament.

Here in the House of Canada, I would like to emphasize that this visit attests to the excellent relations of cooperation and joint work maintained by the governments of Canada and Mexico as well as the shared desire to further strengthen these relations and, more particularly, the affection and deep friendship that unite our nations.

This friendship has been the basis of more than six decades of harmonious, mature and mutually beneficial diplomatic relations. It explains the exemplary performance, for 30 years, of our program for agricultural workers and also the successful economic association we have maintained since 1994 within the framework of the North American Free Trade Agreement. The indissoluble Mexican-Canadian friendship is the pillar of the alliance we have formed, upon which both nations are building both a present and a future shared prosperity.

I would like to take advantage of this very valuable opportunity being afforded me by all of you to address three topics that appear to me to be of special interest. The first is the radical change taking place in Mexico. The second is how this change has marked Mexican foreign policy. Last is how all of this has further strengthened the friendship and the association between our two countries.

What is the change that characterizes today's Mexico? It is the attainment of full democracy, a regime by means of which the voice of the people is expressed through the ballot box and their vote is respected, a regime of civil liberties and respect for human rights, a regime in which respect for the law is the norm of our coexistence.

We Mexicans have opened the doors to democracy, to citizens' freedoms and respect for the decisions of the majority as well as the rights of minorities, and to the rule of law. These are, in fact, principal characteristics of Mexican democracy.

Today, my administration recognizes, values and respects the wealth of the nation's political plurality, reflected in the composition of our congress and in local governments of

different political persuasions. As never before in our political history, the executive's power is limited to the provisions of our constitution, respecting the powers and duties of the other federal branches of government and thus making it possible for the system of checks and balances to be exercised and to be fully operational.

This is evidenced by the open dialogue with the different political forces represented in congress. This gives rise to intense debate, which is not always easy but is always democratic and productive. Such is democracy. That is how the new Mexican democratic era is lived, intensely, with a great deal of political work, with a lot of dialogue, and with creative passion and enthusiasm.

Parliaments make it possible for the diversity that characterizes them to come to fruition in mutual compromises, for different visions to debate, explore and broaden their shared views, combining in a whole that seeks and favours the common benefit. Far from fearing political debate, my administration has fostered and channelled it by fully respecting the work of the democratic body par excellence: congress.

We are a long way from the period when the presidential will was complied with by express order or out of fear. Democracy has taken us far away from the times in which forming part of the government was associated with impunity. Today, being part of the government means work, commitment and respect for both citizens and the law.

On the basis of my administration's initiatives, our honourable congress has passed new, important laws that strengthen and root the democratic change and the rule of law under which we Mexicans live. The laws on transparency and on the career professional service, for instance, are aimed at ensuring that public servants' conduct always abides by an ethic of honesty, transparency and common good.

These laws, like many of those which were passed in the most recent years, foster and ensure the participation of society as a whole. Active citizen participation in all matters of public interest is also a significant result of Mexican democracy.

Democracy has enabled us to undertake initiatives to ensure not only the modernization of Mexico's political structures but also that of its economic, financial and social institutions. With the same determination as we reformed the political structures, we also undertook financial reforms, sought economic reforms, and furthered sweeping changes and the modernization of important social institutions.

It is a case of genuine reform of the state, which, little by little, we have been building and which, always within a democratic framework, we will consolidate.

As a result of this reform, as well as of great responsibility on the part of the federal government, Mexico has achieved a level of economic stability that had not been seen in decades, with historically low inflation and interest rates and also with growing levels of investment.

Mexico, in nine years, has doubled the size of its economy. In nine years, the Mexican economy has become the largest in Latin America. In these nine years, there has been a doubling of per capita income for citizens. In these nine years, there has been a reduction by more than 30% of the number of families in situations of extreme poverty, and there has been an improvement in the distribution of income.

In the social sphere, our democracy has allowed us to wage an all-out struggle against the adverse conditions faced by many of our brothers and sisters, such as the indigenous peoples. Today we have anti-discrimination laws and, in particular, with rules that protect the rights of indigenous peoples and other minority or socially vulnerable groups.

We also have an innovative social strategy which, by means of investments in education, health, infrastructure and housing, seeks to give people — every woman and every man — the opportunity to develop his or her talents and skills.

In an unprecedented effort, we are ensuring through a national scholarship program that no young Mexican child or student will abandon his or her education. We are creating the conditions for Mexican families to exercise their right to decent housing, and we have designed programs with a view to guaranteeing universal access to health care.

Today, democracy enables us to work successfully toward development based on sustained and sustainable economic growth, human development that translates into better living conditions for each and every family, from childhood to adulthood. Our objective is to ensure that each person has all the necessary tools in order to develop and take advantage of their skills and be happy.

That is the democracy that all Mexicans are building: an integral democracy, already full in the political arena, and developing in both the economic and social spheres. Democracy is an ongoing process, a task in progress which begins with the exercise and enjoyment of citizens' political and civil rights and which should also ensure enjoyment of economic and social rights. Achieving this demands constant and determined effort, both internally and externally.

This leads me to the topic of the Mexican democracy's foreign policy. Not only is Mexico one of the world's most open economies, as we have free trade agreements with 42 countries, it is also a nation which, like Canada, makes its voice heard on vital issues on the international agenda, issues such as the defence of human rights, respect for international law, the validity of multilateralism, the promotion of cooperation for development and international peace and security.

We Mexicans believe in dialogue, debate and the building of agreements at the domestic level; likewise, we believe in democratic dialogue and debate among nations to reach agreements that enable us to solve serious international problems.

In the area of human rights, Mexico has established cooperation programs with the UN High Commissioner in charge of this topic, and promoted initiatives to assure respect for human rights in the fight against terrorism, as well as the basic rights of indigenous peoples, migratory workers and people with some disability. We have taken the defense of Mexicans living abroad to the highest international forums. We believe in law and justice, and law and justice have proved us right.

Mexico promotes sustained, sustainable development shared by all peoples, as we showed in the Monterrey Conference on Financing for Development. In a globalized world, self-sufficient development is not possible. It is necessary for each nation's efforts for progress to find a favourable international environment. We must fight to reverse the international trend to reduce Official Aid for Development.

Like Canada, we believe in multilateralism as the best means to make the most of the advantages and face the challenges posed by today's world.

Some of our greatest challenges are overcoming poverty, combating major epidemics, the fight against international terrorism, environmental degradation, and the proliferation of weapons of mass destruction, among others.

Today, all nations are compelled to reflect, in an unprecedented manner, on how to solve, together, the problems affecting us all. We have therefore declared ourselves in favour of a comprehensive reform of the United Nations to enable this organization to fulfill the lofty objectives with which we have entrusted it.

Together with another 14 countries, Mexico has initiated serious reflection on how to achieve this comprehensive reform of the United Nations with the cooperation of all its member states. We thank Canada for its participation in this Group of Friends on the reform of the United Nations. We are certain that our shared views and joint efforts in building a world of peace, security and development will allow us to reach conclusions which will be of great help in revitalizing the United Nations.

Mexico recognizes Canada's unwavering commitment in these and other vital issues on the international agenda, and celebrates our common perceptions and positions. On this basis, we will continue fostering our joint work in the multilateral sphere, in the certainty that our combined efforts will give greater strength and influence to our labours.

Over the course of six decades of harmonious relations, the Mexican and Canadian governments have been able to translate our peoples' friendship not only into a wide range of shared views on multilateral topics, but also, above all, in the bilateral and regional areas. Over the past decade, our links have increased progressively in political, economic and social matters.

Mexico's attainment of democracy has significantly strengthened and intensified this trend. This stems from the fact that we are two democracies whose fundamental concerns, at both domestic and international levels, coincide.

Today, the strengthening of democracy, federalism and good government, protection of human rights, environmental conservation, regional security, the growing furtherance of culture and promotion of educational and technological links are all areas of cooperation and mutual interest.

In the economic sphere, trade exchanges have increased by more than 150% over the past 10 years. Mexico has become this country's main trading partner in Latin America. The opportunities to multiply and develop trade are still vast, and we should take advantage of them.

The growth of mutual investments, the broadening of cooperation, and the strengthening of cultural and social exchanges between our countries in the most recent years encourage us to explore new areas in order to intensify our relations.

We must reinforce the complementarity of our economies and translate it into a greater strength in the region we share, and above all, into greater benefits for our peoples.

Through new cooperation and integration schemes, we must ensure that Canadian-Mexican friendship turns into a powerful engine of the North American economy and that the benefits of this growth reach all sectors of our populations. The only possible development at present is shared development.

We must also strengthen the growing exchanges and links between diverse social sectors of both countries: students and teachers, businesspeople and investors, workers and tourists, among many others.

Mexico's current reality makes Congress an increasingly active player in our country's foreign policy. Therefore, I sincerely hope for the growing interaction of our parliaments.

Today, we have taken a historic step in our bilateral relations with the creation of the Mexico-Canada Alliance. This alliance seeks to establish a bilateral cooperation scheme with the participation of the government and private sectors, with the aim of promoting investment, trade, development, and the prosperity of our nations.

As you know, on my last State Visit I established as a personal commitment the need to analyze the future of North America as a region of cooperation and integration. My administration has been attentive to the evolution of this topic in these last three years.

In particular, we recognize the efforts made by the Foreign Affairs Committees in both the House of Commons and the Senate, which point to the need to include Mexico in the discussions to strengthen inter-regional relations in North America.

Our nations share common objectives. We want to strengthen security in our region, guarantee the free flow of people and goods, and gain access to new, higher levels of development in benefit of our peoples.

Ladies and gentlemen of this honourable Parliament, I am convinced that the time has come to reflect on the best way to build a new Community of North America. I am also convinced that Canada and Mexico have much to contribute to the design and operation of this regional cooperation and integration scheme, as well as to the new architecture required by a world of peace and prosperity, and much to contribute to the reorganization of the United Nations.

A great Canadian and a Nobel Peace Prize winner, Mr. Lester B. Pearson, pointed out many years ago, and I quote:

We are now emerging into an age when different civilizations will have to learn to live side by side in peaceful interchange, learning from each other, studying each other's history and ideals, art and culture, mutually enriching each other's lives.

Today, these wise words remain absolutely valid. I am sure that with your invaluable help, ladies and gentlemen Members of Parliament, the peoples of Canada and Mexico will be able to forge a shared future of freedom, peace, prosperity and justice in our region and in the world.

Thank you very much.

[English]

Hon. Daniel Hays (Speaker of the Senate, Lib.): Mr. Speaker, Excelentísimo Señor Presidente, Mr. Prime Minister, hon. colleagues, *distinguidos invitados*, chers amis, on behalf of all parliamentarians and all those assembled, I am deeply honoured, Mr. President, to thank you for addressing this joint session with such passion and eloquence and for reminding us so forcefully that our friendship rests on a solid foundation of shared values, common aspirations and strategic partnerships.

[Mr. Speaker Hays spoke in Spanish, translated as follows:]

[Translation]

The fact that you are present among us is no coincidence because it is along with the continuous celebration of the 60th anniversary of diplomatic relations between our two nations. This adds even more lustre to this occasion and highlights the importance of your words.

[Translation]

As we celebrate the 60th anniversary of our diplomatic relations and the 10th anniversary of the North American Free Trade Agreement, we also have an opportunity to highlight the values that unite us and consider our shared commitments.

Nowhere are these values and commitments better expressed than in the new program of bilateral relations adopted by our countries in 2001, a program that commits us to promoting democracy, strengthening civil society, protecting the environment, defending human rights and fostering peace and prosperity throughout the world.

[English]

Your words here today, Mr. President, the purpose of your mission, and the history of our relations remind us of the words of Octavio Paz, who said: "All our ventures, all our acts and dreams, are bridges designed to overcome the separation [between us] and reunite us with the world and our fellow beings".

We salute and thank you for your efforts in reaching across borders and over a continent to secure the foundation and build the bridges that will help guarantee a happier, more prosperous and peaceful future for us all.

[Mr. Speaker Hays spoke in Spanish, translated as follows:]

[Translation]

Allow me therefore, Mr. President, to thank you once again for having expressed the depth and the scope of our friendship in such clear terms, and for emphasizing your great confidence in the continued evolution, diversification and success of our bilateral relations in the years to come.

The Speaker: President Fox, Prime Minister, Mr. Speaker, Mesdames et Messieurs, it is my happy duty to convey to you, President Fox, on behalf of all members of Parliament our thanks for addressing us today in the House. In their name I say — and my Spanish is nothing like Speaker Hays' — *estás en su casa*. I understand that means consider yourself at home, in case my pronunciation was incorrect.

The breadth and pace of your visit to Canada, in my view, Sir, speaks volumes about the relationship between Mexico and this country. In the three days you are with us, you will meet with Canadians from every sphere: ministers, business people, students, community leaders, all of whom share a bond of friendship and cooperation with their Mexican neighbours.

[Translation]

This is an easy friendship to maintain. We have many ties, and they are growing stronger all the time. Our cultural, educational, trade, diplomatic, and even parliamentary exchanges only serve to strengthen our partnership.

I had the pleasure, myself, of leading a delegation of parliamentarians to Mexico in 2001 to discuss the exchanges that link our countries, including the Mexico-Canada Parliamentary Group and the Inter-Parliamentary Forum of the Americas, among others.

It was a brief visit, but it enabled me to appreciate the warmth of our Mexican hosts — and of Mexican cuisine.

[English]

In addition to the many ties that bind us, we both must deal with the consequences of living next to the world's most powerful nation, the United States of America. Our proximity to this sometimes overwhelming neighbour has engendered a unique bond between us. The late Pierre Trudeau, a former prime minister of Canada, used to say that living next to the United States is in some ways like sleeping with an elephant: No matter how friendly and even-tempered the beast, one is affected by every twitch. I suspect this sentiment resonates with many in Mexico. It is essential therefore, as North America becomes ever more and more interconnected, that we learn from each other how we can best address these challenges.

The next few days will be a challenge of another kind. The Canadian media has described this visit as a "fiesta" of sorts, given the many shared anniversaries our two countries will be celebrating while you are with us. Certainly, the rhythm will be uptempo and the events plentiful. I hope, however, that you will enjoy your short time with us and perhaps return for a more relaxed visit.

Until then, Mr. President, *gracias y que le vaya bien*.

[Applause]

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CANADA

Debates of the Senate

1st SESSION

• 38th PARLIAMENT

• VOLUME 142

• NUMBER 9

OFFICIAL REPORT
(HANSARD)

Wednesday, October 27, 2004

—
THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, October 27, 2004

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE LATE TOM EARLE

Hon. Lowell Murray: Honourable senators, the death of radio and television journalist Tom Earle on October 19 was reported in the national media with proper attention to the highlights of his long and distinguished career. The appreciation of Mr. Earle's personal qualities and professional life offered by his peers, notably Douglas Fisher, Michael Enright, George Brimmel and former Parliamentary Librarian Erik Spicer, all of whom were quoted in the obituaries, happily did him justice. However, I would not want the end of his life to go unremarked in this chamber. He was as much respected among parliamentarians as he was by his colleagues in the media.

He was the first radio or TV reporter to be allowed into the Parliamentary Press Gallery and, as was noted, he covered Parliament through the governments of former Prime Ministers St. Laurent, Diefenbaker, Pearson and Trudeau. Day after day he rose to the daunting challenge of having to decide what was most newsworthy, and of reporting to his listeners almost immediately, but briefly, accurately, fully and fairly. After his retirement from the CBC he went to work for the Parliamentary Library, where he recorded hundreds of hours of interviews with serving and former parliamentarians. These interviews are an important historical record at the National Archives and a legacy for which Canadians can be grateful.

There was a time when one spoke of Parliament's fourth estate. The expression is believed to have originated with Edmund Burke. While it has been used half humorously, it conveyed the truth that the role of journalists in reporting our deliberations to the public is as vital to parliamentary democracy as that of the other estates — spiritual, temporal and commons — that together made up Parliament. In that tradition, Tom Earle was exemplary and he is completely deserving of the warm and respectful tributes made on the occasion of his passing.

[Translation]

MANITOBA

OPENING OF FRENCH SCHOOL

Hon. Maria Chaput: Honourable senators, today I would like to pay tribute to a tiny francophone community located in the region of Laurier and Ste-Rose-du-Lac, the birthplace of our late colleague Senator Molgat.

On October 14, 2004, I attended the official opening ceremonies of École Jours-de-Plaine, a French school in a little corner of my province, four hours by road from my village, and three from Winnipeg.

This project for a French school in the region dates back to 1993. Francophone parents there met numerous obstacles, but they continued to battle for a curriculum in French.

After a year, the French program started up, although without the benefit of shared premises in the existing English school, as required by law. So the first day of classes at École Laurier found students reporting to the Laurier Community Centre, after a lease was negotiated the night before school started.

During the summer of 1996, a provincial mediator and the Manitoba Minister of Education attempted to settle things with the English school division before classes started again, but unfortunately this was not possible. As a result, the students and staff ended up divided among three different parents' homes. The francophone parents initiated legal proceedings in order to obtain a French school in Laurier. They ended up not having to pursue them, because the provincial government agreed to fund temporary facilities and to ensure that the English division reached agreement with the French division on sharing land and premises.

After 10 years of constant struggle, the francophone parents at last obtained a parent-run French school in September of 2004.

With the permission of the author, the school has taken its name from the Daniel Lavoie song "Jours de Plaine." Children of the francophone residents of the Parcs region can now follow a French first-language curriculum from kindergarten to secondary school graduation.

The principal of Jours-de-la-Plaine, Mr. Denis Dragon, paid tribute to the tenacity of the community:

The opening of our school is proof that courage and perseverance cannot be silenced.

Mr. Paul Cenerini, former principal of this school, feels that the nature of the process itself will have a positive impact on the students. He said:

They know what it means to fight for their rights. They have developed an attitude about, and are truly proud of, their language and culture. They will be the leaders of tomorrow.

I would like to extend my sincerest congratulations to the francophone parents in Laurier.

[English]

2004 OLYMPIC SUMMER GAMES

CONGRATULATIONS TO ATHLETES

Hon. Gerry St. Germain: Honourable senators, I had hoped to make this statement at an earlier sitting, however, any time is the right time to pay tribute to and recognize the accomplishment of others.

I should like to congratulate all the athletes who competed for Canada in the 2004 Olympic Summer Games. Although Canada may not have placed as well in the medal standings as some of us had hoped, we can reflect with pride on the historic accomplishments of our athletes.

I should like to recognize the accomplishments of the British Columbians, Thomas Herschmiller and Barney Williams, who won silver in men's rowing, and Blythe Hartley, who won bronze in diving.

One of the most inspiring stories that came out of these Olympics received little mention. That being the case, I believe that it is my obligation to bring it to the attention of the Senate.

• (1410)

Monica Pinette of Langley, British Columbia, was one of the first Canadian females to participate in the modern pentathlon. Ranked twenty-sixth in the world before the Olympics, Ms. Pinette defied expectations and placed thirteenth overall. In the world championships in Germany last month, she placed tenth, officially earning her the best performance ever by a Canadian athlete in the modern pentathlon.

While this is a major feat in itself, Ms. Pinette, being of Metis descent, deserves further recognition because of her unique heritage and ancestry. According to the Aboriginal Peoples' Network, she was the only Aboriginal to compete in the Athens Olympics. I feel honoured to acknowledge Monica Pinette, an outstanding Aboriginal Canadian and a contributor to Canadian athletics.

Honourable senators, please join me in congratulating all of Canada's athletes who gave their all for their country at the Games of the XXVIII Olympiad, the 2004 Olympic Summer Games, held in Athens, Greece.

Hon. Senators: Hear, hear!

[Translation]

GOVERNOR GENERAL'S AWARDS

IN COMMEMORATION OF THE PERSONS CASE

Hon. Lucie Pépin: Honourable senators, the month of October is an opportunity for us to celebrate the historical contributions of Canadian women who have stood out from the crowd and advanced women's rights. One of the highlights of Women's History Month is the awarding of the Governor General's Awards in Commemoration of the Persons Case.

Last Thursday, the Governor General presented the awards to seven women who have followed in the footsteps of the five famous Albertans and are leaders in contemporary Canada. Today I would like to introduce these seven women to you.

Allison Brewer is from Iqaluit. She has been recognized for her commitment to the promotion of equal rights and social justice in Nunavut. In particular, she has been active in seeking rights for same-sex partners. She fights for her causes through her work in journalism and her volunteer activities.

Léa Cousineau of Montreal was the first woman elected president of a municipal political party in Quebec. Ms. Cousineau has been a model for her peers; she has helped women recognize their potential and expertise in municipal politics. In addition, she has established programs that help women enter non-traditional occupations.

Huberte Gautreau is another recipient. She is well known in Moncton as a champion for disadvantaged women and families dealing with violence in the home and has played a large role in seeking pay equity in New Brunswick.

Producer Bonnie Sherr Klein of Vancouver has received the award in recognition of her films that give a voice to many under-represented social justice issues and encouragement to other people.

Rosemary Speirs of Toronto is a political journalist and leads a national advocacy group to get more women involved in all levels of politics and to eliminate the barriers that stand in their way.

Frances Wright is from Calgary. She has enlightened Canadians on the contributions of our foremothers, particularly the Famous Five, by establishing the Famous Five Foundation. The foundation has had two monuments erected in honour of the Famous Five, one in Calgary, and the other here, on Parliament Hill.

Chi Nguyen, of Ottawa, is the recipient of the youth award. Ms. Nguyen has been very involved in community projects. She is the founder of Young Women Vote, a program at McGill University to enhance the political knowledge of young women, and is a peer voice on educating young women about their sexual health.

Please join me in paying tribute to these women whose efforts have been recognized. We can be sure that the Famous Five from Alberta, in whose name they have been given awards, would be proud of these outstanding women who have followed in their footsteps.

[English]

MS. JILLIAN KEILEY

CONGRATULATIONS ON RECEIVING THE ELINORE & LOU SIMINOVITCH PRIZE IN THEATRE

Hon. Donald H. Oliver: Honourable senators, I rise today to call your attention to a cultural event of national importance. Last night, I had the honour to attend in Toronto the fourth annual presentation of the Elinore & Lou Siminovitch Prize in Theatre at the University of Toronto's historic Hart House Theatre.

The Siminovitch Prize honours a professional director, playwright or designer who advances Canadian theatre through a body of work achieved in recent years, while influencing and inspiring younger theatre artists. The Siminovitch Prize was created in 2001 and dedicated to distinguished scientist Lou Siminovitch and his late wife Elinore, a playwright. The \$100,000 prize is designed to reward excellence and to inspire further exploration in Canadian theatre.

It was founded by a number of donors, including Tony Comper, President and CEO of BMO Financial Group, and his wife Elizabeth, who serves as chair of the prize's founders committee.

This year, the jury selected Ms. Jillian Keiley, of Newfoundland, from 59 directors nominated from every region in Canada. Ms. Keiley is the founding artistic director of Artistic Fraud of Newfoundland, where she has directed 14 new productions. She also teaches theatre with a specialization in chorus at Memorial University and the National Theatre School of Canada.

The jury, which was chaired by Mr. Leonard McHardy of Toronto and included Atlantic Canada's own Mary Walsh, described Ms. Keiley's work as "startlingly original and radically imaginative." According to the jury's citation, she is a:

visionary, innovative artist whose experiments with form and content have magical results for audiences and performers alike. Simultaneously cerebral and visceral, her productions explore the parameters of theatre art, often with powerful effect.

Honourable senators, as a past chairman of the Neptune Theatre in Halifax and as an Atlantic Canadian, I am particularly delighted that the jury recognized Ms. Keiley for her contribution to our rich artistic community.

AUTISM AWARENESS MONTH

Hon. Vivienne Poy: Honourable senators, last week Senator Oliver brought it to our attention that October is Autism Awareness Month and referred to hopeful developments in science that are making treatment for autism possible. Those treatments, though, however effective, must be accessible and affordable. From letters I have received recently, this is not the case with autism or, for that matter, with other developmental disorders suffered by many children. The parents of these children are pleading with parliamentarians for our help.

Like Senator Munson, I am concerned that these treatments, particularly the intensive therapy that is required before the age of six, are not available to enough individuals. Those seeking help are forced to wade through a patchwork system, often being placed on long waiting lists, or going into debt, to pay for costly treatments themselves.

Children who suffer from autism and other developmental disabilities cannot wait for our help. If they are not treated at a very young age, society will pay for their support throughout their lives. As both Senators Oliver and Munson noted, the number of individuals who are diagnosed with autism is rising exponentially. We need a national autism strategy now.

Honourable senators, I have received many letters from constituents seeking help. One of them was from the public servant, the one Senator Munson mentioned in his statement, who spent his lunch hour marching on the Hill, calling for action on autism. He was there because he could see no other way to have an impact.

Some parents I know are fundraising for themselves; others are forming their own support networks, such as Giant Steps Toronto, which is part of a worldwide group of educational centres for children that aims to integrate autistic children into society.

I also know a woman whose own struggles to cope with her child's array of developmental disorders led her to found an organization called Spirit of Life. This organization reaches out to parents and provides networking and resources to those who feel isolated and alone.

These are brave and courageous parents doing their best in the face of very difficult circumstances.

It is important that the Standing Senate Committee on Social Affairs, Science and Technology, which is currently studying mental health and mental illness, look at the issues of autism and other developmental disorders and their treatment and that it make recommendations for action so that parents and their children do not have to cope alone.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in our gallery of Chief Archie Catholique, Chief Robert Sayine, Chief Darrell Beaulieu, of the Akaithcho Territory Dene in the Northwest Territories. Welcome to the Senate.

• (1420)

ROUTINE PROCEEDINGS

FIRST NATIONS GOVERNMENT RECOGNITION BILL

FIRST READING

Hon. Gerry St. Germain presented Bill S-16, providing for the Crown's recognition of self-governing First Nations of Canada.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator St. Germain, bill placed on the Orders of the Day for second reading two days hence.

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

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ANIMAL FEED, MARCH 15-17, 2004—REPORT TABLED

MICROSOFT GOVERNMENT LEADERS
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CONFERENCE, SEPTEMBER 12-14, 2004—
REPORT TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour, on behalf of the Canada-U.S. Inter-Parliamentary Group, to table, in both official languages, eight reports: the report on a visit to the U.S. Congress on the North American market for cattle, beef and animal feed, held in Washington from March 15 to March 17, 2004; the report on the Microsoft Government Leaders Forum-Americas, held in Richmond, from May 16 to May 18, 2004; the report of the forty-fifth annual meeting of the Canada-U.S. Inter-Parliamentary Group, held in Idaho from June 17 to June 21, 2004; the report on the 2004 International Association of Great Lakes and St. Lawrence Mayors' Conference, held in Chicago, Illinois, from July 14 to July 16, 2004; the report of the 2004 annual meeting of the National Conference of State Legislators: the New Legislative Reality, held in Salt Lake City, Utah, from July 19 to July 23, 2004; the report on the Democratic National Convention, held in Boston from July 26 to July 29, 2004; the report on the auto-tech conference of the Automotive Industry Action Group, AIAG, held in Detroit, Michigan, on August 31, 2004; and the report on the Canada-American Border Trade Alliance Conference, held in Washington from September 12 to 14, 2004.

[Translation]

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY GOVERNMENT POLICY FOR MANAGING
FISHERIES AND OCEANS

Hon. Gerald J. Comeau: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and report on issues relating to the federal government's new and evolving policy framework for managing Canada's fisheries and oceans; and

That the Committee submit its final report to the Senate no later than Friday, March 31, 2006.

[English]

STATUTES REPEAL BILL

NOTICE OF MOTION TO REFER BILL S-5 TO LEGAL
AND CONSTITUTIONAL AFFAIRS COMMITTEE

Hon. Tommy Banks: Honourable senators, I rise to apologize. Years ago in the music business, when telegrams were the way of doing business, we would occasionally drive our competitors nuts by sending a telegram out of the blue that said simply, "Ignore previous telegram." It drove them crazy. I am asking senators today to, "Ignore previous telegram," because yesterday I moved a motion that I did not intend to move. In yesterday's *Journals of the Senate*, you will see the motion to which I refer.

Therefore, honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That Bill S-5, an act to repeal legislation that has not come into force within ten years of receiving Royal Assent, which was referred to the Standing Senate Committee on Transport and Communications, be withdrawn from the said Committee and referred to the Standing Senate Committee on Legal and Constitutional Affairs.

The motion is seconded by the Chairman of the Standing Senate Committee on Transport and Communications.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I realized yesterday something was going amiss because my recollection is this: When Senator Banks first stood with respect to the bill he asked to refer it to the Standing Senate Committee on Legal and Constitutional Affairs. Later the honourable senator withdrew that request and moved that the bill be referred to the Standing Senate Committee on Transport and Communications. As I understand it, he now asks for leave to withdraw that motion and refer the bill to the Standing Senate Committee on Legal and Constitutional Affairs.

I must, therefore, ask a question of His Honour. Is this the appropriate method by which to deal with this matter? In other words, if we agree to the motion, will we, in effect, be clawing it back from the Transport Committee now and be asked to reintroduce it later?

I ask that this matter be reviewed by His Honour because we do not want to set a precedent. This should be dealt with in a more routine way than under Notices of Motions. Surely there is a more appropriate heading under which this matter should fall.

I would also hope that we do not continue this practice. I appreciate that the bill was referred to the wrong committee by accident, so I would therefore suggest that closer attention be paid to detail. We are all guilty of being easily distracted.

I would request some interpretation by His Honour as to the appropriate place in our proceedings to deal with this matter.

The Hon. the Speaker: In response to Senator Stratton's request for advice from the chair on this proceeding, my understanding is that Senator Banks has, in effect, asked for leave to move a motion under Notices of Motions. Leave could be granted to do that; however, if leave is not granted, then what he has done will stand as a notice of motion and be dealt with, as are all other notices of motions, when the matter is reached on the Order Paper.

Therefore, I will put the question one more time. Senator Banks has read a motion for which he is asking leave to be dealt with now. If leave is not granted then it will simply stand as a notice of motion. Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

Senator Stratton: I would ask that it be dealt with in the normal fashion, if we could, please.

The Hon. the Speaker: Leave is not granted. The notice of motion has been given.

WORLD TRADE NEGOTIATIONS ON DOHA ROUND

NOTICE OF INQUIRY

Hon. Peter A. Stollery: Honourable senators, I give notice that two days hence:

I will call the attention of the Senate to the World Trade Organization negotiations on the Doha Round.

STATE OF POST-SECONDARY EDUCATION

NOTICE OF INQUIRY

Hon. Catherine S. Callbeck: Honourable senators, pursuant to rule 57(2), I give notice that on November 2, 2004:

I will call the attention of my colleagues to the state of post-secondary education in Canada.

[Senator Stratton]

QUESTION PERIOD

PRIME MINISTER

EQUALIZATION PAYMENTS—NEWFOUNDLAND AND LABRADOR OFFSHORE OIL REVENUES— TERMS OF AGREEMENT

Hon. Ethel Cochrane: Honourable senators, presently Newfoundland and Labrador loses about 70 per cent of offshore oil revenues through clawbacks of its federal equalization payments. During the last federal election, equalization was arguably the biggest issue for the people of my province. Our premier, Danny Williams, demanded that the province receive 100 per cent of its royalty entitlements. Conservative Leader Stephen Harper and NDP leader Jack Layton readily agreed that their governments would meet this demand.

Subsequently, while campaigning in the province, Mr. Martin also agreed. However, in recent weeks, the federal government added two caveats, being that the deal with Newfoundland and Labrador be reviewed in eight years and that a cap would kick in. That would change the terms of the agreement should the province ever reach the fiscal capacity of Ontario.

• (1430)

Senator St. Germain: Shame!

Senator Cochrane: My question is for the Leader of the Government in the Senate. Why did this Liberal minority government suddenly decide to introduce new terms to the agreement? Is it a coincidence that Mr. Martin has backed down from his agreement with the Province of Newfoundland and Labrador just as the price of oil reached an all-time high? Last week oil reached a price of \$55 a barrel.

Senator Tkachuk: Bring out that Dr. Seuss book!

Hon. Jack Austin (Leader of the Government): Ah, we have the first evidence that a senator on that side has heard of Dr. Seuss.

Some Hon. Senators: Oh, oh.

Senator Austin: Honourable senators, the question is a serious one and I wish to give it a serious response.

Senator St. Germain: Is it Pinocchio or Dr. Seuss?

Senator Austin: Senator St. Germain, as usual, if you leap to too many conclusions, you will often go over the edge.

Senator St. Germain: Senator Murray will bail you out.

Senator Austin: You are my colleague from British Columbia and I have a duty to look after you as best I can.

Does Senator Cochrane have any influence over her colleagues in terms of the interruptions?

An Hon. Senator: We will be quiet.

Senator Austin: Thank you. I see Senator Cochrane does have influence. My honourable friends opposite have quieted down.

In response to the honourable senator's question, the issue is a serious one. There is obviously a difference of opinion as to what was agreed to. We have two different parties who both believe they have come to a conclusion, but they had an inarticulate premise, or two, or three that were not expressed.

The lawyers in the chamber will be familiar with the case of *Smith v. Hughes*. It is an interesting examination of where two people thought they had entered into an agreement, were using the same words but were thinking about quite different things.

My suggestion is that the best way for this matter to proceed is to allow for dialogue between the federal government and the Province of Newfoundland and Labrador. I do not think it is in the interests of national unity and the civility of Confederation for politicians to engage in an overly partisan dialogue or to attempt to take political advantage of a misunderstanding.

Senator Stratton: We have not brought in the kazoos yet.

Senator Austin: It is quite a lot of fun to see the energy that is put into this topic.

The people of Newfoundland and Labrador have a concern about their debt, their revenues and their capacity to provide services, all of which are most serious issues. I recognize without question that the people of that province are carrying severe economic burdens. The Government of Canada is seeking to alleviate those burdens in a way that is satisfactory to the people of Newfoundland and Labrador and that is consistent with the principles of equalization.

An Hon. Senator: Who signed that first agreement?

Senator Cochrane: The minister speaks about energy. He should see the energy in my province today. If the minister were able to look at our TV and read our papers, he would see energy of a kind that has never been expressed before.

The Prime Minister has said that his latest offer is substantially more generous. I find that comment to be an insult to Premier Williams and the people of my province. With the introduction of these new conditions, this government is essentially telling our province that it can only have its fair share of the money if it agrees to remain a have-not province.

Some Hon. Senators: Oh, oh.

Senator Cochrane: That is exactly how I feel. Can the Leader of the Government in the Senate tell me why this government wants to rein in the prosperity of my province and hold it back from making a greater contribution to the wealth of our country?

Senator LeBreton: Good question.

Senator Cochrane: Put another way, why is the federal government intent on keeping Newfoundland and Labrador in the position of a have-not province?

Senator Austin: The honourable senator can make political statements, but she is obviously reading something that she prepared before she heard my answer to her first question.

I wish to tell the honourable senator, with some energy on my own part, that I have said clearly that the Government of Canada has promised all of the offshore revenues to the Province of Newfoundland and Labrador with no deduction from the equalization formula to that province. We said in the proposal that we want Newfoundland and Labrador to become a "have" province. The standard of a have province is currently that of Ontario and Alberta. In this particular case, Alberta is somewhat too rich, so we went down to the second province, Ontario, to provide Newfoundland and Labrador with a new and I think equitable status.

There is no chance of anyone alleging that this government or the government of any province of this country wants Newfoundland and Labrador to be anything but a have province. The proposal to the Province of Newfoundland and Labrador, which was consistent with the Prime Minister's undertaking, is to provide Newfoundland and Labrador with untouched equalization and all of the offshore revenues.

EQUALIZATION PAYMENTS—NOVA SCOTIA OFFSHORE OIL REVENUES—TERMS OF AGREEMENT

Hon. Gerald J. Comeau: Honourable senators, I have listened carefully to the Leader of the Government in the Senate and wish to focus the discussion on another part of Atlantic Canada, that being Nova Scotia. On June 27, the day before the federal election, the Prime Minister told the people of Nova Scotia that they would receive 100 per cent of their offshore revenues. Today, the new deal only covers a period of production for the Sable Island project and excludes revenues produced by any future projects. Will the government commit to keeping the election promise, as made on June 27, that Nova Scotia will receive 100 per cent of its offshore revenues, or will we have to put up with the response given to my honourable friend that we will have to read the fine print of the Prime Minister's promises? Will we have to hire a lawyer to understand what the Prime Minister said?

The people of Nova Scotia have three things to say on this point: no cap, no limit, no exception.

Hon. Jack Austin (Leader of the Government): The honourable senator is on sandy ground here. Premier Hamm of the Province of Nova Scotia stayed at the table. He has entered into an agreement with respect to equalization. If the honourable senator wishes to attack Premier Hamm, that is his business.

The same offer was made to the Province of Nova Scotia as was made to the Province of Newfoundland and Labrador. There was a variation that the honourable senator may misunderstand, but the province was offered 100 per cent of the revenue. I am not at all aware that there was any limitation on what was produced within waters that are pertinent to Nova Scotia. I will check. The arrangement also offered Nova Scotia a specific sum, and my understanding is that Nova Scotia prefers the revenue agreement.

• (1440)

Senator Comeau: I want to be absolutely sure. Is the Leader of the Government saying that Nova Scotia has been offered a deal whereby any future projects other than Sable Island — and I refer to projects like Deep Panuke and others — will not become part of the exclusion?

Senator Austin: Honourable senators, as far as I am aware, Nova Scotia was offered the same arrangement, that being that it would receive 100 per cent of the natural resources revenue earned in lands appurtenant to Nova Scotia, which are well defined.

EQUALIZATION PAYMENTS—NEWFOUNDLAND AND
LABRADOR OFFSHORE OIL REVENUES—TERMS OF
AGREEMENT—STATEMENT BY PRIME MINISTER

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, we need clarity from the minister. The Prime Minister made the following statement while campaigning in St. John's on June 5:

I had a discussion...with the Premier this morning...and I have made it very clear that the proposal that he has put forth is a proposal that we accept.

Would the minister explain what, in his view, was the proposal the Prime Minister was accepting? To everyone in Newfoundland and Labrador, Premier Williams' proposal is very clear. As people went to the electoral urn, what they were voting for was clear in their minds.

Is the Prime Minister's view different? Has he changed his mind? Why did he change his mind? Can we accept his word? When the *St. John's Telegram* asked Mr. Martin on June 20 whether Mr. Martin would put his promise in writing, he told the newspaper, "I have given my word and my word has always been pretty good."

Hon. Jack Austin (Leader of the Government): That was very interesting, but my response to the question of Senator Cochrane also covers the question asked by Senator Kinsella.

EQUALIZATION PAYMENTS—OFFSHORE OIL
REVENUES—PROMISES MADE BY PRIME MINISTER

Hon. Gerry St. Germain: Honourable senators, British Columbia is on the brink of possibly going offshore for developments. If we go into another election campaign, what promises will be made by the Prime Minister that will be broken shortly thereafter?

Premier Williams is one of the most successful business people in Newfoundland and Labrador and on the East Coast. If it can be proven that the statements that Mr. Williams is making are correct, will the government change its position?

I believe that the Leader of the Government in the Senate has stated that Premier John Hamm has accepted the deal, whereas a Canadian Press news release states:

Nova Scotia Premier John Hamm says he will not accept an offshore royalty deal with Ottawa that includes a time limit.

The federal government is offering the province 640 (m) million dollars over eight years.

After that the agreement would be re-negotiated.

Hamm says there should not have to be a re-negotiation, since the province was promised that it would be the main beneficiary of its resources and the (b) billions of dollars that go with it.

There is obviously confusion on the government side. I do not think they know what they said, and if they do know what they said, they are trying to retract. Eastern Canadians and British Columbians who are negotiating resource agreements want to know exactly where the government stands. Possibly the Leader of the Government in the Senate can clarify this by stating that the Prime Minister was wrong.

Hon. Jack Austin (Leader of the Government): Honourable senators, let me read a statement made by Premier Williams on February 27, 2004 in discussing this particular issue. He said:

...we had an argument presented which deals with Newfoundland and Labrador getting 100 per cent of the royalty revenues....that doesn't mean 100 per cent of the royalty revenues that come from the project, that's 100 per cent of the royalty revenues, which we suggested...would in fact keep 100 per cent so it wouldn't have to be a shrinking or declining balance; it would in fact stay at 100 per cent until Newfoundland and Labrador achieved a fiscal capacity which would make it no longer entitled to equalization.

That is clear. He went on to say, on the same day:

In the first year we're estimating between \$100 and \$125 million....Then it goes to about \$150, then it goes to \$200, ultimately it goes up close to \$400 million. That's probably about a six or seven-year period.

As well, the government has offered 100 per cent of all the revenues for an eight-year period. The government has met the publicly-made request of the Premier of Newfoundland.

With respect to Nova Scotia and Senator St. Germain's position, I may be wrong, but I understood that the sum and the equalization arrangement are acceptable to Nova Scotia. If Premier Hamm is still arguing about the eight-year time limit, I will have to inform myself and inform my honourable friend further.

EQUALIZATION PAYMENTS—OIL REVENUES

Hon. Lowell Murray: Honourable senators, with regard to Nova Scotia, will the minister confirm, for the sake of clarity, that while Nova Scotia and eight other provinces accepted the federal proposal on equalization with varying degrees of satisfaction or disappointment — keen disappointment in Nova Scotia's case — the question of how to treat the revenues from offshore resources is a separate one and is being negotiated apart from the equalization program and that, with respect to Nova Scotia at least, those negotiations are continuing, and with respect to Newfoundland and Labrador they have been suspended?

While I am on my feet, I will ask the Leader of the Government, since he comes from British Columbia, whether he can confirm my impression that one of the effects of the equalization program, as amended by the Government of Canada, is that British Columbia's status as a recipient province will be extended rather longer than would otherwise have been the case. In other words, it would have ceased to be a recipient province earlier than will now be the case. Is that true?

Hon. Jack Austin (Leader of the Government): Honourable senators, with respect to Newfoundland and Labrador, on the one hand, and Nova Scotia, on the other, Senator Murray has said what I have been trying to say. I think everyone here understands that there is an agreement amongst nine provinces with respect to equalization. My understanding with respect to the special deal on the offshore to provide Newfoundland and Labrador, on the one hand, and Nova Scotia, on the other, with all of its resource revenues was understood to be separate and apart from the equalization agreement.

Senator Murray: Not concluded by either province.

Senator Austin: The honourable senator has said, "Not concluded." As I said, I may not have had the right information with respect to Nova Scotia and the eight-year term, and I will come back on that after I have informed myself.

With respect to British Columbia, I will study the consequences of the agreement that British Columbia has accepted and report further.

EQUALIZATION PAYMENTS—OFFSHORE OIL REVENUES—LENGTH OF AGREEMENT

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I may be expressing ignorance in asking this question, but I will ask it in any event. We are putting an eight-year time limit on revenues from offshore oil for Newfoundland and Nova Scotia. Could the Leader of the Government tell me why there must be a cap or time limit? The provinces of Saskatchewan and Alberta have oil revenues with no cap. They take whatever royalties they can, bill their provinces and make themselves wealthy as a result. Why would we not treat Newfoundland and Nova Scotia in a similar fashion? At first blush, it appears there are no equals here.

• (1450)

Hon. Jack Austin (Leader of the Government): Honourable senators, I am sure Senator Stratton knows the answer to the question he is asking. I also know he likes very short answers. I am not sure how to give him the answer he wants in the time frame he usually lays down for me.

As honourable senators know, constitutionally, offshore resources are those of the federal government. The federal government has entered into resource-sharing arrangements over time and is proposing to provide both Newfoundland and Labrador on the one hand and Nova Scotia on the other hand with 100 per cent of the revenues until their fiscal capacity brings them to have-status.

Would the honourable senator please remind me of the other part of his question.

Senator Stratton: Why is there an eight-year time limit?

Senator Austin: Anyone who knows anything about the equalization program — and there are at least six experts in the entire country, including Senator Murray — knows that the entire program is reviewed on a five-year basis. In this case, the federal government, with the approval of other provinces, offered an eight-year term where their premiers had agreed to a six- or seven-year term.

Senator Stratton: Honourable senators, were I a citizen of either Newfoundland and Labrador or Nova Scotia, I would feel particularly second class. While Saskatchewan and Alberta are obtaining a large number of dollars from oil, the folks down east are not treated in the same fashion. I would be upset with that, particularly when a time frame is applied to the situation. Surely, hope could be held out that there would be something further down the road.

How can a province, if it crawls out of a negative position, get itself into a positive position? From my understanding, Newfoundland and Labrador is in very difficult shape financially.

How will this government hold out hope to the citizens of that province, to say that they have a future, that they will be able to get out of the hole and that their population will grow, that they will be bringing people back home instead of exporting them?

Senator Austin: Honourable senators, we have said two things in this regard, and I am happy to repeat them.

First, 100 per cent of these revenues will be dedicated to the revenue base of the two provinces for an eight-year period. If these two provinces have not received equal status with Ontario in fiscal capacity, which means they would be as wealthy as Ontario today in terms of their own *fiscus*, then no doubt the matter will be reviewed and may well be continued by the government of the time.

On behalf of all Canadians, it is reasonable to want to review our existing policies. This is a very normal process in public policy.

NATURAL RESOURCES

RIGHTS TO OFFSHORE RESOURCES REVENUE-SHARING AGREEMENT

Hon. A. Raynell Andreychuk: Honourable senators, I am curious to understand why mineral, oil or other natural resource rights adjacent to a province — rights that we have agreed belong to the province — are any different from the rights to mineral or oil found below the surface of any province. When Saskatchewan became a province, we did not have the rights to our resources. Those rights were transferred to us without time limits. Why is it different today, when value is placed on resources under the ocean?

Hon. Jack Austin (Leader of the Government): Senator Andreychuk is a lawyer and knows a great deal about the British North America Act and how it sets the constitutional division of powers and authorities.

Senator Andreychuk well knows that her statement is incorrect. Offshore resources are the constitutional property of all the people of Canada, through the federal government. Thus, there is a constitutional difference that must be followed.

Senator Andreychuk: Honourable senators, once I have all my research, I will follow up on this matter. However, at the moment, my memory fails me as to the details but not as to the fact that they were seen to be resources of the federal government for everyone, until we began to look differently at rights to minerals found below the surface. Consequently, there was a transfer at least for two provinces of which I am aware. I leave that for the minister to think about.

Why would we say that a delegation done today by the federal government is any different from a delegation done in the 1930s?

Senator Austin: There was no transfer of authority over the offshore. There was an agreement with respect to regulation and revenue sharing by the federal government. Senator Andreychuk is also aware that the resources that are now the property of the Provinces of Alberta and Saskatchewan are theirs as a result of a constitutional decision by the Judicial Committee of the Privy Council.

Senator Andreychuk: Honourable senators, I am suggesting there is a parallel that should be considered.

Senator Austin: Anything can be considered. The facts are one thing, consideration is another.

THE SENATE

STANDING SENATE COMMITTEE ON NATIONAL FINANCE—COMMENT BY CHAIRMAN

Hon. John G. Bryden: Honourable senators, my question is addressed to the new Chairman of the Standing Senate Committee on National Finance. My question was stimulated by the interview our new chairman gave to *The Globe and Mail Report on Business* on Monday.

Honourable senators can imagine my reaction when I went to the *Report on Business* and found that we in the Senate now have a new poster senator. There is a new gunslinger in town. I could not help but think, Senators Kirby and Kenny, eat your hearts out.

Hon. Senators: Hear, hear!

Senator Bryden: I did not realize that the honourable senator was so photogenic.

According to *The Globe and Mail*

Senator Donald Oliver says he aims to ensure his 12-person committee pays a lot more attention to the \$180-billion or so that Ottawa is expected to spend this year — and the paper trail left in its wake. “I think we can

literally save billions for Canadians because billions have been wasted.”

Hon. Senators: Hear, hear!

Senator Bryden: My questions for the honourable senator are these: How will he do that? Will he be staffing his committee with accountants and forensic auditors? Has the committee struck a budget yet? If the honourable senator is going to save billions, would it not be natural that he would have a very big budget? Would that not be in order?

Hon. Donald H. Oliver: Honourable senators, I take the honourable senator's question as notice.

Hon. Senators: Hear, hear!

AGRICULTURE AND AGRI-FOOD

CROSS-BORDER MOVEMENT OF CATTLE

Hon. Leonard J. Gustafson: Honourable senators, my question is for the Leader of the Government in the Senate and concerns the agreement the U.S. has had with Japan, Korea and China, but more particularly Japan. Does Canada have the same agreement concerning cattle moving across the border? What is the understanding of cabinet in regard to what was accomplished by the Minister of Agriculture?

• (1500)

Hon. Jack Austin (Leader of the Government): The answer is yes; we have exactly the same agreement with Japan as does the United States.

TREASURY BOARD

AUDITOR GENERAL—TRANSFER OF ADVANCE FUNDS TO FOUNDATIONS—ACCOUNTABILITY TO PARLIAMENT

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. In her observations to last week's public accounts, the Auditor General continued to question the transfer of some \$9.1 billion to several foundations over the past eight years, well in advance of the need. The Auditor General in particular flags the way the government books funds that it advances to the foundations and the foundations' general lack of accountability to Parliament. The Auditor General's observations are not new. They have been raised in the past and repeatedly ignored. Is it the intention of the Government of Canada to continue to use foundations, in the words of the Auditor General, as a way of “achieving a desired accounting result”?

Hon. Jack Austin (Leader of the Government): I will take that question as notice.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Chaput, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-eighth Parliament,

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that the following be added to the Address:

"and we urge Your Excellency's advisors, when implementing the details of their proposals, to review the Employment Insurance program to ensure that it remains well-suited to the needs of Canada's workforce, to reduce and improve the fairness of taxes, to be unwavering in the application of fiscal discipline, to examine the need and options for reform of our democratic institutions, including electoral reform, and to rise above partisanship to address the public interest;

That Your Excellency's advisors consider the advisability of the following:

1. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend measures that would ensure that all future uses of the employment insurance program would only be for the benefit of workers and not for any other purpose;

2. opportunities to further reduce the tax burden on low and modest income families consistent with the government's overall commitment to balanced budgets and sound fiscal management;

3. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to make recommendations relating to the provisions of independent fiscal forecasting advice for parliamentarians including the consideration of the recommendations of the external expert;

4. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend a process that engages citizens and parliamentarians in an examination of our electoral system with a review of all options;

5. with respect to an agreement on ballistic missile defence, the assurance that Parliament will have an opportunity to consider all public information pertaining to the agreement and to vote prior to a government decision;

And we ask Your Excellency's advisors to ensure that all measures brought forward to implement the Speech from the Throne, including those referred to above, fully respect the provinces' areas of jurisdiction and that the financial pressures some call the fiscal imbalance be alleviated."—(6th day of resuming debate)

Hon. Wilbert J. Keon: Honourable senators, I am pleased to offer my response to the Speech from the Throne that was delivered earlier this month.

As has been the case in the past, the Speech from the Throne spoke of the need to improve medicare to provide Canadians with a sustainable system that offers them the highest possible level of care. The Speech from the Throne reiterated the main points of the recent first ministers' health accord, a 10-year plan to address the needs of our health care system. I would like to offer my thoughts on a few of the key details of this plan, some of its failings and some areas that will generate positive and lasting results.

The recent health accord does offer Canadians the promise of some improvements in the health care system. The most welcome aspect of the deal is the federal government's increased financial commitment to the provinces, as the new accord is worth about \$41 billion over 10 years. That is a good investment and one that should go a long way to repair the damage that a decade of budget cuts has brought to the system. Certainly in the short term, it should help to alleviate the shortage of doctors, nurses and other health professionals, and help to shore up some of the underfunded facilities. While I firmly believe that money alone is not a panacea, I recognize that significant injections of funds are needed in conjunction with structural changes and reforms.

The first ministers also agreed to a home care strategy that would have them provide first-dollar coverage by 2006 for certain short-term services, such as two weeks of post-acute care, mental health care and end-of-life care. A limited drug plan is included as part of the new home care strategy, as intravenous medications and palliative-specific pharmaceuticals covered. This strategy, combined with an additional \$500 million added to the Canada Health Transfer base for home care and catastrophic drug coverage may alleviate some of the financial burden placed on families to look after their loved ones at home.

It is worth pointing out that the need to involve the federal government in providing Canadians with insurance against the cost of catastrophic prescription drug expenses was first raised in the 2002 report of the Standing Senate Committee on Social Affairs, Science and Technology. I was therefore pleased to see that the first ministers continue to recognize the importance of tracking the issue of the high cost of prescription drugs. However, I am at the same time quite disappointed that they will not even report back to Canadians on the progress they have made in designing a broader pharmaceutical insurance program until the middle of 2006.

Honourable senators, the health of Canada's Aboriginal peoples has lagged behind that of the rest of the population for far too long. In its 2002 report, the Social Affairs Committee could find no other words to describe the situation than to call it a "national disgrace." I note that last week Senator Christensen brought to our attention the many problems associated with fetal

alcohol syndrome, which has a high rate of incidence among Aboriginal communities. The announcement by the federal government that it will invest \$700 million over five years to improve the health of the First Nations, Inuit and Metis is therefore to be welcomed. This money will be used for such initiatives as a human resources strategy to increase the number of Aboriginal health care workers and for health promotion and disease prevention programs.

The Speech from the Throne also made reference to the "intolerable consequences" of inadequate housing and water supply for Aboriginal communities. I am hopeful that this is a sign of a renewed federal commitment to these particular problems, which have a serious impact on the overall health and well-being of these people. Action in this direction would concur with the recommendations of the 2002 report of the Social Affairs Committee that specifically pointed to the critical importance of comprehensively addressing all the determinants of the health of our First Nations, Inuit and Metis populations, including those that fall outside the health care system.

I am also pleased to note that as part of the new deal funding will finally be made available for the Health Council of Canada, which was created as part of the 2003 first ministers' health accord. This year's accord also compels the Health Council of Canada to prepare an annual report on health status and health outcomes. In my view, this represents a necessary step forward in insuring that Canadians have the information they need to assess the performance of their health care system and of the governments that fund it. A separate arrangement for Quebec allows the province different terms for collecting and sharing health information, but Quebec must join the other provinces in reporting on its benchmarks for improvements by the end of 2005.

Honourable senators, there are several things to applaud in the new health accord, but I have two serious concerns. First, as I have already suggested, despite the fact that the first ministers do address a number of reforms crucial to the preservation of publicly funded health care in Canada, many of the concrete details are missing. This has led many commentators, including some prominent members of the previous Liberal government, to worry that this most recent health accord is simply another in a long line of deals that throws more money at the health care system without resolving its underlying problems. I, too, am troubled by this.

• (1510)

My second concern is that the accord did not go nearly far enough in order to deal meaningfully with the issue of access to care. Every survey of Canadians confirms the finding of the 2002 report of the Senate's Social Affairs Committee that inability to access care and excessive waiting times are the most pressing concerns that Canadians have with regard to their health care system. The recently signed health accord does contain a targeted wait times reduction fund and holds the first ministers to achieve meaningful reductions in wait times by March 31, 2007,

in five priority areas: cancer care, joint replacements, diagnostic imaging, cardiac treatment and sight restoration. The commitment to establish evidence-based benchmarks for maximum waiting times is also a step forward, but I believe an opportunity to make even greater progress by introducing a binding care guarantee has been missed.

In a study published last month, Senator Kirby and I emphasized the need to assure timely access to high-quality care through the introduction of what, following the recommendations contained in the 2002 report of the Social Affairs Committee, we have called a "care guarantee." Simply put, a care guarantee would legally oblige government to provide patient care within a reasonable period, based on clinically determined waiting times. If a patient is unable to receive care within the specified time, the government would be bound to ensure that the patient receive that care in another jurisdiction, whether it is in another city, another province or another country.

Honourable senators, the Province of Saskatchewan has already established clinical guidelines that allow them to set maximum surgical waiting time targets for all patients. Physicians assess patients using a common set of criteria, and they are then placed on one of six priority levels, each level having a target time frame that indicates how quickly surgery should take place. Saskatchewan's guidelines for care are not legally binding, but the framework behind them is one that I believe could be translated into just such a legal commitment right across the country.

Until such a care guarantee is put in place, I fear the other accomplishments of the health deal will not have as much meaning or permanence. While the health care deal contains an attempt to incorporate greater accountability, nothing in the accord would accomplish this as well as a legal commitment to care that forces governments to make substantial changes to the health care systems or pay a penalty — in this case, the cost of paying for their citizens to receive services elsewhere.

Honourable senators, I have had the wonderful privilege of working in the Canadian health system for some 35 years. There was a time when I would boast proudly to my international friends that in Canada we had the best health care system in the world. I cannot — I repeat, cannot — boast that any more because it is simply not true. We no longer have the best health care system in the world.

What has gone wrong? In summary, in our collective thinking, we have failed to separate the three essential components of our health care system. We have not distinguished the payer from the provider and the evaluator. The single payer, ensuring that all Canadians are covered for essential health care services, continues to be a national icon and is respected the world over as the best way of doing things. Where we get into major trouble is when we look at the provider in our system. I am afraid that it has become the victim of paralyzing bureaucracy and inefficiency. We are building good evaluation systems, such as CIHI and ICIS, which are somewhat at arm's length from direct government control, and I think these institutions and others will serve us well in the evaluation of the system on an ongoing basis.

Let me come back to the collective providers. We are simply no longer getting the job done in the provision of health care. We are well behind countries such as Japan, Germany, Luxembourg, Switzerland, France, Belgium, Austria, and others that are providing a standard of care much higher than ours to their populations, and the patients have ready access. So what has gone wrong with our system to the point where it cannot compete with these countries? How did we slide so far back in areas such as mental health and Aboriginal health that they are now being referred to as a national disgrace, despite the fact that we spend more than any other developed nation — I repeat, more than any other developed nation — on universal health care, and this is before the \$42-billion injection?

Senator Kirby and I published a paper this summer, in keeping with the report of the Standing Senate Committee on Social Affairs, Science and Technology, to draw attention to the problems and to propose some solutions prior to the first ministers' health accord. Among the problems with the system now are the following: top-down command in control administration by central government bureaucracies excessively regulating local delivery mechanisms; monopoly powers of many sectors of the health care delivery system, including the various health care professionals who define their functions and hence prevent others from performing them; unions that define mechanisms of delivery of support services; monopoly powers of hospitals which, because they are essentially sole providers in their regions, have little incentive to fit into the overall picture of regional health services; hospital funding that is based not on the amount or quality of work they do but according to global budgets determined largely by historical precedence. Consequently, the business of the health care system in Canada operates without the central driver of effectiveness and efficiency in any business, and that is competition. The missing factor is that competition between different ways of achieving the same goal is impossible in the present system.

Where do we go from here? I believe we must move to regional health authorities or similar organizations which can bring the system down to manageable geographic units. Institutions and individuals must be remunerated through service-based funding formulas that reward them for what they do in place of large global institutional budgets with no accountability.

We must build a primary care system, which I believe is the major missing link in our health care delivery system at the present time. This will have to be based on appropriate groupings of primary health care providers, housed in appropriate facilities that provide them with the tools they need to do their job and organized appropriate electronic record-keeping and information systems that will replace the obsolete paper documents and communication systems of the day.

At the present time in Canada, there are almost three times as many hospitals as there are primary care and community clinics. Can you believe that? There are three times as many hospitals as there are primary care and community care clinics, which are the gateways for the patients who access care. We must find a way to produce rapid proliferation of these 24-hour, seven-day-a-week clinics, which from the outset must be appropriately equipped, including electronic record capability and electronic communication systems.

It goes without saying that we must preserve and support our great academic institutions. We must continue to support our medical research institutions — indeed at a level beyond where they are being supported now because they are, frankly, only supported at one eighth the level of their American sister institutions. The role for teaching hospitals, specialty hospitals and community hospitals will continue. However, throughout the great mosaic of our health care delivery system, largely under provincial jurisdiction, we must introduce a component of competitiveness —

The Hon. the Speaker: I am sorry to interrupt, Senator Keon, but your time has expired. Are you asking for more time?

Senator Keon: Yes.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Keon: Thank you very much, honourable senators.

We must introduce a component of competitiveness, of freedom that will allow the intellectual wealth of our health care profession itself to be innovative, to be creative, and to solve the problems that are paralyzing the system at the present time. We must dare to look at some of the options being pursued by countries that have better systems than we have. We must dare to look at private delivery of health care in some areas if it is more efficient than the public institutions. We must rid ourselves of the paranoia associated with the word "private," and the fear mongers who point south, saying, the minute you mention the word, you are going to slide into a situation comparable to that of the United States, where 40 million people are uninsured and many individuals and families are being wiped out financially because of medical debt. That situation simply does not apply in Canada. It will never be tolerated. Our health care system began as a national insurance program that assured every Canadian that this would never be their fate. Collectively, we will preserve this, but in doing so we must provide a delivery system that all of us as Canadians can again view with pride.

Hon. Senators: Hear, hear!

Hon. Wilfred P. Moore: Honourable senators, I rise today to speak in reply to the Speech from the Throne of October 5, 2004. It is my distinct pleasure to add my voice to those of other parliamentarians who have contributed their thoughts, whether in this chamber or in the other place.

This particular Parliament, Canada's thirty-eighth, will be markedly different for many of us in this chamber. A minority government has not occurred in this country since 1979, when Joe Clark's Progressive Conservative Party defeated Pierre Trudeau's Liberals 136 seats to 114 seats, with the New Democratic Party holding the balance of power with 26 seats. The Social Credit Party held six seats.

Times have changed dramatically since then. Not only is this the first minority government in 25 years, but the parties involved have also changed markedly. We no longer have a Progressive Conservative Party on the other side; we have the Conservative Party of Canada. There are no Cr ditistes; we now have the Bloc Qu b cois. The Liberal Party and the New Democrats remain. I mention these differences not because I long for another time, but because Canada has changed over the years.

• (1520)

The significance of this new minority Parliament is this: The three major parties in this Parliament are regional in nature. The Conservatives are largely concentrated in the West; the Bloc Qu b cois are obviously dominant in Quebec; and the Liberal Party is the most national with seats across the nation but predominantly in Ontario and Atlantic Canada.

The Speech from the Throne we heard two weeks ago reflects this reality. The predominant theme of the speech is the need for this government to be inclusive, that in order for this particular minority government to function, each region of Canada must be taken into consideration when decisions are made regarding the future of this country.

Let me quote the seven commitments made in the Speech from the Throne:

- to be unwavering in the application of fiscal discipline, the foundation of so much of Canada's success over the past decade;
- to promote the national interest by setting the nation's objectives and building a consensus toward achieving them;
- to pursue these objectives in a manner that recognizes Canada's diversity as a source of strength and innovation;
- to aim for tangible, practical results for Canadians and report to them so that they can hold their governments to account;
- to defend the Charter of Rights and Freedoms and to be a steadfast advocate of inclusion;
- to demand equality of opportunity so that prosperity can be shared by all Canadians; and
- to assert Canada's interests and project our values in the world.

Here we stand with seven commitments laid out by this government before this session starts. It is by its adherence to these commitments that Canadians will judge the performance of this minority government, "so that they can hold their governments to account."

I wish to draw specifically on the two themes of inclusion and the regional nature of this Parliament's makeup. They are to me very important factors in how we will perceive this government's actions over the next period of time. As a senator from Nova Scotia, it is incumbent upon me to represent my region to the best

of my abilities. I am pleased to take up that challenge when faced with such matters. However, it gives me greater pleasure when an intervention from me is not required because the federal government has taken the concerns of my province into account.

Unfortunately, this is not usually the case, and one need only look at the historical records since 1940 to understand. As World War II escalated, the federal government eventually made an investment in Maritime plants and equipment. It was modest and involved industries with poor prospects for post-war continuation. None of the 28 federal Crown corporations that existed at that time had its head office in the region. Of the \$823 million of Ottawa wartime spending on industrial expansion which could be identified on a provincial basis, the Maritimes' share was a pitiful 3.7 per cent. Prince Edward Island did not receive a dime; Nova Scotia received \$20.8 million; and New Brunswick received \$6.5 million.

After the war, Canada started allocating money to enable industries to make the transition to peacetime production. By mid-1945, 48 per cent of the funds went to Ontario, 32 per cent to Quebec, 15 per cent to British Columbia, and the remaining 5 per cent was divided among the remaining six provinces under the assistance formula used. The Ministry of Reconstruction officials justified this grossly discriminatory approach with gibberish and doubletalk. The problem of transition, gushed one, would be most acute in the Maritimes where wartime dislocations had been superimposed on the special programs of a depressed area. That post-war reconstruction policy reinforced the dreadful economic status quo for Maritime Canada.

Why discuss attitudes of post-war Canadian government? It is my submission that things have not changed very much.

As my fellow senators well know, I have been pursuing one government after another with regard to our federal policy on university funding. This government has already made an announcement on university research funding which indicates a lack of commitment to change. On October 21, just last week, the New Opportunities Fund, which operates under the umbrella of the Canadian Foundation for Innovation, announced funding for university researchers in Canada. To refresh your memories, the New Opportunities Fund focuses on younger, less experienced researchers, and intends to provide funding without the need of a competition between them and more experienced academics.

This fund is available to those who are taking up their first full-time position with a Canadian university. Last week 135 projects were announced. Thirty-two universities were recipients. The total cost was \$18.2 million. How do these numbers break down? At this point, I have to report that the post-secondary institutions in Atlantic Canada received nine projects of the 135 awarded, which amounts to 6.6 per cent.

Hon. Senators: Shame.

Senator Moore: These nine projects were worth \$1,020,765, out of a total of \$18,201,600, which is 5.6 per cent of the total funding awarded. Atlantic Canada, with 16 per cent of Canada's universities, 12 per cent of Canada's full-time teaching faculty, and 9.5 of Canada's full-time students received 5.6 per cent of the funding awarded under this announcement.

As a further example of this lack of commitment to Atlantic Canada's post-secondary institutions, I would draw your attention to the last announcement made under the Canada Research Chairs Program. This program began in the year 2000, with an original funding total of \$900 million and a mandate to create 2,000 research chairs by the year 2005. In April 2004, an announcement of 137 research chairs was made under this program. The total amount was \$121,600,000. Of this total, Atlantic Canada universities received 13 chairs, or 9.4 per cent, which resulted in funding of \$11 million or 9 per cent of the total. Once again, when we consider the number of universities, 16 per cent, and full-time faculty, 12 per cent, in Atlantic Canada's post-secondary institutions as compared to the rest of the country, this funding falls short.

Unfortunately, as my research numbers have shown, the spirit in which these programs were founded and the intent which was envisioned at the time has not been realized. Instead, we have now witnessed the lion's share of these national research dollars being distributed to a handful of larger Canadian universities, while our so-called small universities received a mere pittance. This is not the vision that will create a knowledge-based economy across Canada.

I wish to acknowledge with sincere appreciation the fact that, since 1997 the Government of Canada has invested more than \$13 billion in basic science and technology. A National Science Advisor has recently been appointed to assist the government to insure that these investments are strategic, focused and delivering results.

Our universities in Atlantic Canada form the backbone of research initiatives in our region. It is therefore of utmost importance that these institutions receive their fair share of government funding for research. Thus, I emphatically urge the National Science Advisor to review the guidelines for research funding awards and to make the necessary changes that will correct the existing vast regional imbalance in the distribution of those funds. Only then will Atlantic Canada's universities receive an increase in their research capacities to the same level currently enjoyed by other regions of Canada.

In the June 28, 2004 general election, 22 Liberal members were elected to the House of Commons from Atlantic Canada, and they comprise a large part of our current minority government. The Atlantic provinces provided the largest regional increase in support for our Liberal Party in that election. These constituents believe in this government and its mandate.

Two issues that our candidates in the Atlantic provinces heard from the electorate were the matter of accessibility to post-secondary education and the burden of student debts upon graduation. If our Atlantic universities continue to receive such minute funds from these national programs, they will not experience the much needed enhancement of their teaching and research capacities and facilities.

The continuation of that cycle of bias causes the operating costs of our universities to grow, which only results exponentially in a continuing decrease in accessibility and an increase in student debt.

• (1530)

In closing, I note that five of the seven commitments made by our government in the Speech from the Throne revolve around including all Canadians, and all regions, in an inclusive style of consensus that promotes Canada's objectives as a nation.

Positive action on these themes will, I believe, be the hallmark of this government's policies and performance. That is all that I ask.

If this government is able to be inclusive, to build consensus and leave no region behind, all provinces will benefit from our national post-secondary research dollars and Canada will be the better country for it.

On motion of Senator Stratton, debate adjourned.

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—DEBATE ADJOURNED

Hon. J. Michael Forrestall moved the second reading of Bill S-14, to protect heritage lighthouses.

He said: May I congratulate Senator Moore for bringing to our attention a vital matter. I am pleased that Senator Callbeck is in the chamber; I wish my colleague from British Columbia were here as well.

Honourable senators, I rise to speak to Bill S-14, to protect heritage lighthouses. This is neither a partisan nor a money issue. Steps must be taken to preserve and protect Canadian heritage for future generations, whether that be railway property, lighthouses or, perhaps in the not-too-distant future, grain elevators in Saskatchewan. These are monuments to the Canadian way of life.

We have been over this ground three times. Predecessors to this bill have been here and gone through all stages, have been sent to the other place, gone through most of the stages over there, only to die because of prorogation. Twice before, this bill was fast-tracked, and I would hope that we see that possibility again — however not because I anticipate an early return to the campaign trail.

Honourable senators, there is no question of the place of the lighthouse in the human heart and its simplistic beauty set against the rugged, dark sea and coast. One does not have to be from the shores of the Atlantic to be attracted to lighthouses.

Clause 3 of Bill S-14 states that:

The purpose of this Act is to preserve and protect heritage lighthouses by

- (a) providing for the selection and designation of heritage lighthouses;
- (b) preventing the unauthorized alteration or disposition of heritage lighthouses; and
- (c) requiring that heritage lighthouses be reasonably maintained.

The bill defines heritage lighthouses as:

...a lighthouse designated as a heritage lighthouse under section 6, and includes any related site or structure that is included in the designation.

The bill defines "alter" as:

...to restore or renovate, but does not include to perform routine maintenance and repairs.

"Board" simply means:

...the Historic Sites and Monuments Board of Canada...

The minister responsible for this bill — and this, some senators will note, reflects an item of business that is currently before Parliament — is defined in the bill as:

...the member of the Queen's Privy Council of Canada who is designated by the Governor in Council as the Minister for the purposes of this Act.

I call to the attention of honourable senators that this represents the only change from the previous bill, which stipulated the Minister of Canadian Heritage.

Clause 4 states:

This Act applies to lighthouses within the legislative authority of the Parliament of Canada.

Clauses 6 through 10 of Bill S-14 enable the Governor-in-Council, on the recommendation of the minister, to designate lighthouses and their related properties as heritage lighthouses and to set out a process for their designation as heritage structures.

Clauses 11 through 16 protect heritages lighthouses. I draw the attention of honourable senators to clause 11(1), in particular:

No person shall remove, alter, destroy, sell, assign, transfer or otherwise dispose of a heritage lighthouse or any part of it, unless authorization to do so has been given by the Minister under this Act.

Clauses 11 through 16 also lay out a process for public consultations with regard to the disposition of heritage lighthouses.

Clause 17 simply requires that the owner of a heritage lighthouse maintain it in the condition in keeping with its heritage character. This requirement does not require the expenditure of monies, in the sense that it is nothing more than the municipalities require of homeowners — in other words, the requirement to keep the property looking decent. Who wants an eyesore next door? Thus, heritage lighthouses must be maintained.

Clause 18 empowers the Governor-in-Council to make regulations over heritage lighthouses.

This bill will enhance the powers of the minister, designated by the Governor-in-Council, to protect heritage lighthouses and will allow for the designation, preservation, public consultation and general upkeep of such lighthouses.

Honourable senators, I ask for your support. I could go on, but the matter has been before you.

On motion of Senator Forrestall, for Senator Callbeck, debate adjourned.

• (1540)

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO HOLD JOINT SESSION
WITH HOUSE OF COMMONS STANDING COMMITTEE
ON FOREIGN AFFAIRS AND INTERNATIONAL TRADE
TO MEET WITH GERMAN PARLIAMENTARIANS

Hon. Peter A. Stollery, pursuant to notice of October 26, 2004, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to join the Standing Committee on Foreign Affairs and International Trade of the House of Commons for a joint meeting in order to meet with a delegation of German parliamentarians; and

That the Committee be authorized to meet at 4 p.m. on Wednesday November 3, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

SCRUTINY OF REGULATIONS

JOINT COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. John G. Bryden, pursuant to notice of October 26, 2004, moved:

That the Standing Joint Committee for the Scrutiny of Regulations be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. David P. Smith, pursuant to notice of October 26, 2004, moved:

That the Standing Senate Committee on Rules, Procedure and the Rights of Parliament have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. David P. Smith, pursuant to notice of October 26, 2004, moved:

That the Standing Senate Committee on Rules, Procedure and the Rights of Parliament be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Terry Stratton (Deputy Leader of the Opposition), for Senator Andreychuk, pursuant to notice of October 26, 2004, moved:

That the Standing Senate Committee on Human Rights have power to engage the services of such counsel and

technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Terry Stratton (Deputy Leader of the Opposition), for Senator Andreychuk, pursuant to notice of October 26, 2004, moved:

That the Standing Senate Committee on Human Rights be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

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(HANSARD)

Thursday, October 28, 2004

—
THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Thursday, October 28, 2004

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE
CALVIN WOODROW RUCK, C.M.

The Hon. the Speaker: Honourable senators, pursuant to rule 22(10) of our rules, I have received a request from the Leader of the Government in the Senate to provide for time under Senators' Statements to pay tribute to our former colleague, the late Honourable Calvin Ruck.

As required by the rules, I would advise that interventions are to be no longer than three minutes and any senator may only speak once.

Hon. Jack Austin (Leader of the Government): Honourable senators, I rise to speak to the unusual and outstanding career of Senator Calvin Ruck.

I did some background research. While I remember him in this chamber, as many do, I did not know nearly as much about his career while he was here as I have learned since his demise.

What I have found is so beautifully expressed in *The Daily News*, which is a Halifax newspaper, in an editorial that they issued on October 22 last. I should like to read portions of the editorial into the record. It states:

They are called "The Greatest Generation." Born between the years 1910 and 1930, its surviving members are senior citizens now — grandparents and great-grandparents. Some continue to live in proud independence; others reside in nursing homes. They are enduring the infirmities of age with the same stoic spirit that carried them through the privations of the Great Depression and the horrors of the Second World War, the events that shaped their lives.

We are losing them: one by one, day by day.

Calvin Ruck was a member of the Greatest Generation. He passed away at the age of 79 on Tuesday in Ottawa, where he had lived during the past several years. It was the end of a journey that took him from Whitney Pier in Sydney to Parliament Hill in Ottawa; from a job as a sleeping-car porter on the Canadian National Railway to a seat in Canada's Senate.

Between those poles of his life, Mr. Ruck could best be described as a one-man civil-rights movement. As a black man, the son of immigrants from Barbados, he faced not only the tough and trying times of the 1930s and '40s, when the world was shaken to its roots, and then reshaped; he also bore the brunt of racism at a time when it was not only fashionable, but acceptable.

He did more than just bear it, though. He fought it in a diligent and dignified manner. No challenge was too great for him to accept, and overcome.

The Nova Scotia Association for the Advancement of Coloured People? He was on its executive.

The Nova Scotia Human Rights Commission? He was a rights officer and a commissioner.

The Stevens Road United Baptist Church? He was a deacon.

The Black Cultural Society of Nova Scotia? He was its treasurer.

A complete list of the organizations to which Mr. Ruck contributed, and the awards he won would fill the rest of this space.

Aside from his tenure in the Senate, which ran from 1998 to 2000, Mr. Ruck is best remembered for single-handedly rescuing an important piece of Canadian military history from an obscurity it did not deserve. Outlandish as it seems now, during the First World War, a debate raged over whether blacks were worthy to serve in the Canadian military. The government formed an all-black unit called the No. 2 Construction Battalion, which served overseas during the conflict. Although it attracted recruits from other parts of Canada and the United States, most of its members were Nova Scotians.

After the war ended, the unit was largely forgotten.

But not by Mr. Ruck. After years of diligent research, he published a book called *The Black Battalion: 1916-1920: Canada's Best-Kept Military Secret*, which accorded the soldiers the recognition they deserved.

Mr. Ruck's many accomplishments were no secret. His life set an example for people of all generations — and all colours.

Hon. Donald H. Oliver: Honourable senators, I am pleased to join these tributes to a great Canadian and a great Nova Scotian, the Honourable Calvin Ruck, who passed away last Tuesday.

Calvin Ruck devoted his time and efforts to the service of others. During his life he worked as a janitor, delivery driver, social worker, author, human rights officer, and finally as a senator. Regardless of the job, he never lost sight of his ultimate goal — improving the lives of all Nova Scotians. Indeed, he devoted his career and life to the betterment of others, particularly Nova Scotia's Black community.

Senator Ruck moved to Halifax at age 20, finding employment as a CN Rail porter and later as a janitor at the 12 Wing Shearwater air force base outside Dartmouth. However, when he tried to buy a home in the White neighbourhood of Westphal in Dartmouth in 1954, the residents circulated a petition to keep him out because they did not want Black people there. They failed, but the incident motivated the senator to challenge the obstacles faced by African Nova Scotians, from segregated barbershops to restrictions on entering the navy.

Saturday's funeral was a fitting tribute. Hundreds of people filled the Atlantic Funeral Home in Dartmouth to its capacity. Several prominent religious figures gave fitting inspirational tributes. The gospel music that filled the building throughout the afternoon brought tears to our eyes, and I know it would have made the senator proud.

Calvin's two sons, Martin and Douglas Ruck, gave a heartfelt eulogy of their father's work to promote the rights of Blacks in Canada. Martin told the story of how Calvin Ruck broke down the barrier to let Black people have their hair cut in White barbershops by staging a number of barbershop sit-ins. This was just one example of how he methodically broke down systemic barriers and promoted racial equality in Canada.

• (1410)

In his obituary, it stated:

Calvin Ruck was not a man who wished for change but, rather, one who worked to make a difference. His efforts in Nova Scotia have reverberated throughout the nation. He believed in a society that treated all people, regardless of their colour, with respect and dignity.

Honourable senators, Calvin Ruck was a tireless advocate for racial equality, a dedicated supporter of equal rights and a great Canadian. He will be missed.

Hon. Wilfred P. Moore: Honourable senators, I am most honoured to rise today to pay tribute to the late Honourable Calvin Woodrow Ruck, who served Nova Scotia with distinction in this chamber and who recently passed away at his retirement home in Ottawa.

I wish to be associated with the remarks of Senators Austin and Oliver. Last Saturday afternoon Senator Oliver, my friend Graham Downey, the first Black alderman elected in the City of Halifax, and I attended the church service in celebration of the life of Senator Ruck. No less than five clergymen and clergywomen spoke about this honourable gentleman. They all spoke of his dedication to his loving family, his commitment to improving the lot of our Black citizens, especially the young members of the Black community, and the respectful way in which he conducted himself in the service of others.

I should like to share with senators two anecdotes further to those mentioned by my colleagues. Both are testaments to the soulful motivation and high quality of Senator Ruck's work.

As mentioned by Senator Austin, Senator Ruck wrote two books about the history of Canada's Black Battalion, No. 2 Construction, which he called "Canada's best-kept military

secret." One Wednesday at National Liberal Caucus — I ask that partisans indulge me this one little indiscretion — Senator Ruck took the microphone and through the chair he asked Prime Minister Chrétien to cause markers to be placed at the unmarked graves of Black veterans who served Canada. In his respectful way, he assured the Prime Minister that he did possess the power to address this situation and that it was the right and respectful thing to do. That Gandhi-like approach by Senator Ruck moved our Prime Minister to direct the minister responsible to confer immediately with the good senator in an anteroom and to fulfil his request. Those markers were put in place forthwith, thanks to that intervention by Senator Ruck.

Senator Ruck was a devote Christian. At his going home celebration his son, Douglas, shared the following story with the host of family and friends gathered. Two uniformed police officers, one Black and one White, came to Douglas' residence in the company of the funeral home staff to receive the senator's remains. As he was laid to rest in the vehicle, both officers stood alongside, came to attention and snapped a salute. That gesture was a moment of discrimination-free respect, the paramount thing that motivated Senator Ruck in all of his work.

Sometimes, honourable senators, we do not realize the giant qualities of the men and women with whom we associate on a day-to-day basis.

We extend our deepest sympathy to the late Senator Ruck's spouse, Joyce, their sons, Douglas and Martin, and his brother, Arthur, and we thank them for sharing this outstanding man with us.

MS. JILLIAN KEILEY

CONGRATULATIONS ON RECEIVING
THE ELINORE & LOU SIMINOVITCH PRIZE
IN THEATRE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, as Senator Oliver did yesterday, I rise to pay tribute to Jill Keiley who has just been named the winner of the Elinore & Lou Siminovitch Prize in Theatre. This is Canada's richest annual theatre award. The jury selected Jill from a field of 59 directors nominated from every region of Canada. The jury described Ms. Keiley's work as "startlingly original and radically imaginative," calling her a "visionary, innovative artist whose experiments with form and content have magical results, for audiences and performers alike."

Jill Keiley is the founding Artistic Director of Artistic Fraud of Newfoundland and Labrador, where she directed 14 new productions, almost all of which were original scripts and scores created for the company by playwright Robert Chafe and composer Petrina Bromley. Ms. Keiley has taught at universities and professional training institutes across the country for the past six years. She also directs for other local companies, most recently Theatre Newfoundland and Labrador's "Tempting Providence," the story of Nurse Myra Bennett, who served in the early years of the 20th century on the remote north coast of Newfoundland. I am very proud that my own son, Peter,

acted in that play here in Ottawa at the National Arts Centre, as well as in others that Jill Keiley has directed. Very often her plays premiere in our province at the Resource Centre for the Arts in St. John's, which has given us Mary Walsh and Rick Mercer, or at the Gros Morne Theatre Festival. I am personally very pleased to pay tribute to her today.

The prize is a cheque for \$75,000 and her assistant, fellow Newfoundlander, Danielle Irvine, received \$25,000. Ms. Irvine has taught at the National Theatre School and has worked at Stratford.

Tony Comper, President and CEO of BMO Financial Group, the founding sponsor of the Siminovitch prize, said it was meant to encourage Canadian artists to go further in the pursuit of their craft — to “put the wind in their sails and to celebrate theatre in Canada and the talented artists who, like Ms. Keiley, comprise this vibrant community.”

It is with great pleasure that I salute Jill Keiley.

[Translation]

THE SENATE

Hon. Gerald J. Comeau: Honourable senators, from time to time it is worthwhile reminding ourselves of the culture of respect that is historically customary in this place.

To illustrate my point, I would like to quote certain comments made last Thursday in this chamber during tributes to the Honourable Senator Gauthier on the occasion of his retirement.

I am truly disappointed that today we have not been able to properly pay you the honour due to you for all the years you have devoted to achieving that recognition, and that your bill — which has been passed unanimously here on three occasions — did not pass because of pure partisan politics. I wonder whether this does not denote a lack of respect for what you wish to accomplish and what you have worked so hard to achieve.

There is a long-standing tradition in the Senate that a senator does not impute motives to a colleague, particularly when the rules, practices and normal procedures of this chamber have been followed.

Debate and differences of opinion are what this place is all about, but the honourable members of this noble parliamentary institution and all Canadians stand to lose if a senator finds it necessary to resort to insulting a colleague in order to make a point.

Adjourning debate is a common practice in the Senate, and no senator should be subjected to negative and insulting remarks when a debate is adjourned in order to allow a senator time to prepare comments.

I have discussed this incident with Senator Gauthier and he has indicated to me that he was not bothered by the adjournment. On the contrary, Senator Gauthier is very much aware of the

adjournment procedures and follows them faithfully. He has assured me that he does not perceive the adjournment on Bill S-3 as indicating any lack of respect toward him or his bill.

As for my commitment to the respect and promotion of our country's two official languages, I have no need of any lectures from a senator making such accusations.

[English]

MR. MILTON WONG, O.C.

TRIBUTE

Hon. Maria Chaput: Honourable senators, as Senator Jaffer is unable to be here today, she has asked me to deliver the following statement on her behalf.

First, Senator Jaffer would like all of us to join her in welcoming an individual who exemplifies Canada's multicultural and charitable values. Mr. Milton Wong, Chancellor of Simon Fraser University, is well known throughout British Columbia and Canada for his work and achievements. Mr. Wong is founding Chairman of the Canadian International Dragon Boat Festival and Deputy Chair of the B.C. Cancer Foundation Millennium Campaign. He has been given Vancouver City's Civic Award, a doctorate from Simon Fraser University and an honour roll distinction from *Maclean's*. He is also a recipient of the Order of Canada.

Mr. Wong is founder and Chair of the Laurier Institution, an independent non-profit institution dedicated to advancing knowledge of the economic and social implications of cultural diversity.

ANTI-SEMITIC STATEMENTS BY CANADIAN MUSLIM LEADERS

Hon. Maria Chaput: Second, honourable senators, Senator Jaffer asks us to join her in condemning the anti-Semitic remarks that have recently been made by select Canadian Muslim leaders. These kinds of statements have no place in the Canadian discourse and must be condemned not only for their hatefulness and promotion of violence toward our fellow man but also for the deep damage they do to the relationship between different Canadian communities.

• (1420)

Our words, and especially the words of those who take the lead in different communities, should be the thread that binds us together with ties of understanding, tolerance and peace. We must never allow our words to become the knife that severs these very ties.

We are approaching the season of remembrance for the deeds of our forebears, who suffered and died to preserve the dream of Canada as the greatest nation in the world. It is truly a nation where all people can find a place and be proud to call home.

[Senator Rompkey]

We must remember that when we allow our words to cut the ties between us, we do a disservice to those memories. The Canada that they fought and died for is not a Canada that promotes violence and hatred against anyone. These men and women shed their blood to protect our values and way of life. We must ask no less of ourselves.

CHILD CARE AND EARLY LEARNING

Hon. Marilyn Trenholme Counsell: Honourable senators, I did not expect to rise in this chamber so soon after my speech on October 20, 2004, a speech I devoted to early learning and child care. Yet this week, I knew I must do just that.

[Translation]

Honourable senators, I will never understand why the media want their readers to focus on negative news. October 25, 2004, is an example of this. The lead story in *The Globe and Mail* was about child care in Canada.

[English]

The Globe and Mail made child care in Canada a lead story because the OECD found Canada's child care system to be "a fragmented, money-wasting patchwork."

I am not sorry that this newspaper and others chose to bring our child care challenge to the attention of Canadians. What I regret is that the earlier good news story did not make the front pages. This good news story could have been written on October 6, 2004, the day following the Speech from the Throne, which stated:

The time has come for a truly national system of early learning and child care, a system based on the four key principles that parents and child care experts say matter — quality, universality, accessibility and development.

[Translation]

Honourable senators, the Government of Canada has accepted this challenge and has promised to contribute \$5 billion over 5 years. The time has come for the provincial and territorial governments to work with the federal government and members of every community to promote this issue so that families will have access to the best health care for their children: quality care accessible to all, with the emphasis on better understanding of child development.

[English]

The OECD report could well be "the big stick" to turn the federal-provincial-territorial meeting of November 1, 2004, into something other than a war of words — rather, into a battle waged together, on many fronts, which will give Canada's families a victory in their determination to give their children the best possible start in life. Let this be the front page story.

[Translation]

Honourable senators, will the newspapers one day have a front page story saying that the development of our children at home, in day care and everywhere in our communities is our highest priority for Canada's future?

[English]

Then, the alarming front-page story from the OECD will have been the shock we needed. After all, perhaps that is what journalists do best.

INTERNATIONAL TRADE

CANADA BORDER SERVICES AGENCY—GRANTING OF MARKET ECONOMY STATUS FOR CHINA

Hon. Donald H. Oliver: Honourable senators, I rise today to call your attention to an international trade issue that deserves careful consideration by our government. It involves a recent decision by the Canada Border Services Agency to grant "market economy status" to our Chinese trading partners. Chinese exporters will now be able to sell goods to Canada at lower prices, lessening the protection of Canada's anti-dumping duties, which are surtaxes used to protect Canadian companies from being undersold by foreign competitors. Some manufacturers fear that this new policy may lead to the closure of several Canadian factories and damage our domestic industries.

The United States, Japan, Mexico and the European Union have all declined to grant China market economy status. They fear that Chinese goods are being improperly subsidized by the Chinese government and produced by workers who are exploited with low wages.

On June 29, the executive commission of the European Union stated that China "must ensure the equal treatment of all companies by reducing state interference on its domestic exports, before market economy status can be granted." This decision has been praised by US and Japanese economists who say that their manufacturers simply cannot compete with the massive imports of unfairly priced Chinese goods.

However, in a press release dated September 1, the Canada Border Services Agency stated that "there is no evidence to demonstrate that the pricing of goods is being substantially controlled by the Chinese government." This ruling is contrary to the decisions of our major trading partners.

Honourable senators, I acknowledge that it is important to promote and strengthen China's economic reform. However, I have spoken with Canadian manufacturers who have concerns with the Canada Border Services Agency's recent decision.

For instance, the Canadian Bicycle Manufacturers Association fears that as a result of this policy Chinese bicycles could be sold into Canada at a cost well below the standard price. They fear that this decision could also lead to the closing of two factories in Quebec that directly employ more than 700 people.

Honourable senators, I have spoken with legal experts who say that this recent decision may do great damage to our domestic industries. Please join me in urging the government to examine closely this recent decision to ensure that the interests of Canadian manufacturers will not be ignored.

ROUTINE PROCEEDINGS

CLERK OF THE SENATE

2004 ANNUAL ACCOUNTS TABLED

The Hon. the Speaker pro tempore: Honourable senators, pursuant to the *Senate Administrative Rules*, I have the honour to table the clerk's statement of receipts and disbursements for the year ended March 31, 2004.

FEDERAL DEPARTMENTS AND AGENCIES

2003-04 PERFORMANCE REPORTS TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the performance reports of 90 departments and agencies for the period ending March 31, 2004.

IMMIGRATION AND CITIZENSHIP

2004 ANNUAL REPORT ON IMMIGRATION TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, pursuant to section 94 of the Immigration and Refugee Protection Act, I have the honour to present, in both official languages, the annual report on immigration for the year 2004.

CITIZENSHIP ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Wilbert J. Keon, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, October 28, 2004

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill S-2, An Act to amend the Citizenship Act has, in obedience to the Order of Reference of Wednesday, October 20, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

WILBERT J. KEON
Deputy Chair

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kinsella, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

BUSINESS OF THE SENATE

NOTICE OF MOTION TO CHANGE COMMENCEMENT TIME ON WEDNESDAYS AND THURSDAYS AND TO EFFECT WEDNESDAY ADJOURNMENTS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, for the remainder of the current session,

- (a) when the Senate sits on a Wednesday or a Thursday, it shall sit at 1:30 p.m., notwithstanding rule 5(1)(a);
- (b) when the Senate sits on a Wednesday, it stand adjourned at 4 p.m., unless it has been suspended for the purpose of taking a deferred vote or has earlier adjourned;
- (c) where a vote is deferred until 5:30 p.m. on a Wednesday, the Speaker shall interrupt the proceedings, immediately prior to any adjournment but no later than 4 p.m., to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and that committees be authorized to meet during the period that the sitting is suspended.

• (1430)

TAX CONVENTIONS IMPLEMENTATION BILL, 2004

FIRST READING

Hon. Bill Rompkey (Deputy Leader of the Government) presented Bill S-17, to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion.

Bill read first time.

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the second time?

On motion of Senator Harb, bill placed on the Orders of the Day for second reading two days hence.

INTER-PARLIAMENTARY UNION

ONE-HUNDRED AND TENTH ASSEMBLY
AND RELATED MEETINGS, APRIL 15-23, 2004—
REPORT TABLED

Hon. Donald H. Oliver: Honourable senators, I have the honour on behalf of Canadian group of the Inter-Parliamentary Union to table, in both official languages, the report of the Canadian delegation that attended the one-hundred and tenth assembly of the IPU, held in Mexico City, Mexico, from April 15 to 23, 2004.

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY 2003-04 PERFORMANCE REPORTS OF
DEPARTMENTS OF FOREIGN AFFAIRS, AND
INTERNATIONAL TRADE AND THE CANADIAN
INTERNATIONAL DEVELOPMENT AGENCY

Hon Peter A. Stollery: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs be authorized to examine the Performance Reports for the period ending March 31, 2004 of: a) Foreign Affairs Canada; b) International Trade Canada; and c) Canadian International Development Agency, tabled in the Senate on October 28, 2004; and

That the Committee report to the Senate no later than March 31, 2005.

[Translation]

NATIONAL PAIN AWARENESS WEEK

NOTICE OF MOTION

Honourable Yves Morin: Honourable senators, I give notice that on Tuesday, November 2, 2004, I will propose:

That this House call upon the Government of Canada to establish the first week of the month of November in each and every year, throughout Canada, as "National Pain Awareness Week."

[English]

STUDY ON ISSUES AFFECTING
URBAN ABORIGINAL YOUTHREPORT OF ABORIGINAL PEOPLES COMMITTEE—
NOTICE OF MOTION REQUESTING
GOVERNMENT RESPONSE

Hon. Nick G. Sibbeston: Honourable senators, I give notice that, in two days hence, I will move:

That, pursuant to Rule 131(2), the Senate request a complete and detailed response from the Government to the sixth report of the Standing Senate Committee on Aboriginal Peoples, entitled *Urban Aboriginal Youth: An Action Plan for Change*, tabled in the Senate on

October 30, 2003, during the Second Session of the Thirty-Seventh Parliament and adopted by the Senate on April 1, 2004, during the Third Session of the Thirty-seventh Parliament, with the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and Non-Status Indians, the Minister of Justice, the Minister of Human Resources and Skills Development, the Minister of Social Development, the Minister of Canadian Heritage, the Minister of Public Safety and Emergency Preparedness, the Minister of Health, and the Minister of Industry being identified as Ministers responsible for responding.

QUESTION PERIOD

PRIME MINISTER'S OFFICE

EQUALIZATION PAYMENTS—NEWFOUNDLAND
AND LABRADOR—OFFSHORE OIL REVENUES
REVENUE-SHARING AGREEMENT—COMMENTS
BY PRIME MINISTER'S STAFF

Hon. Ethel Cochrane: Honourable senators, in an article in today's *Toronto Star*, the Prime Minister's spokesperson, Scott Reid, warned that Newfoundlanders and Labradorians will be left empty-handed as a result of Premier Danny Williams' recent actions. Mr. Reid is quoted as saying:

He's making a mistake of historic proportions —

"He," meaning Premier Williams.

— and he's doing it on the backs of his own citizens....He may get some short-term gains, but he'll pay for it in the long run.

When I read that, honourable senators, it sounded to me to be a threat, and I am not alone. Media in my home province also picked up on the comments, and the premier himself has indicated that he perceives those comments to be a direct threat.

My question is for the Leader of the Government in the Senate. Could he clarify the comments of Mr. Reid? Are these comments just the latest in a series of gaffes out of the Prime Minister's Office, following in the tradition of the mislaid phone call from Premier Williams?

Hon. Jack Austin (Leader of the Government): Honourable senators, I saw the news story as well, but I cannot give any interpretation of the remarks, except to say that the policy of the Government of Canada is to pursue its negotiations with the Province of Newfoundland and Labrador to a conclusion that recognizes both the paramount interests of that province and the people of Canada.

Senator Cochrane: Honourable senators, I am not sure if I accept that answer, because Mr. Reid is speaking here for the Prime Minister.

Senator Robichaud: No, he is not.

Senator Cochrane: What does the Prime Minister say about this? These comments are coming directly from a member of the Prime Minister's staff. In my mind, it is unthinkable that someone from the Prime Minister's Office should say something like this. Could the government leader clarify further the comments of Mr. Reid?

Senator Austin: Honourable senators, I hark back to an era I lived through moment by moment, and that was the era of 1973-74 when I was Deputy Minister of Energy, Mines and Resources. The Government of Alberta made strenuous politics out of the rise in the price of oil, a doubling of the price of oil, at that time. After exchanges of political rhetoric, of somewhat intemperate statements over a period of weeks and months, the then Prime Minister, Mr. Trudeau, and the then Premier of Alberta, Mr. Lougheed, came to a satisfactory conclusion on the resource revenue-sharing issue, shared a glass of champagne together, and Canadian federation marched on.

Therefore, I would ask honourable senators not to get ground into the minutia of a political discourse, but rather to keep their eyes on the big picture, which is to come to a satisfactory conclusion with respect to this issue, a conclusion that allows Newfoundland and Labrador a very substantial increase in its revenues and allows it to tackle its economic issues, and a conclusion that permits the Government of Canada to stand by its obligations.

• (1440)

Senator Cochrane: Honourable senators, I do not think we can validly cite situations that occurred 30 or 40 years ago. This gentleman said this today. I should like to hear what the Prime Minister has to say about this.

Senator Austin: Honourable senators, I have no doubt that Senator Cochrane's colleagues in the other place will be asking him.

Senator Cochrane: Honourable senators, I want to know how the Prime Minister responded to this, and I want to hear the answer in this house. Never mind the other place. Senators conduct their own business in this chamber.

Senator Austin: Honourable senators, I have no doubt that Senator Cochrane's patience will be rewarded shortly by what is taking place in the House.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, as a supplementary question, it is important that it is perfectly clear that all members of this honourable house have the right to ask the government questions in Question Period and to expect either forthwith an answer, or notice being taken of the question.

The question that I have by way of supplementary is quite simple: Does Mr. Scott Reid speak for the Prime Minister or not? Is the statement he made, which has been alluded to, the policy of the Government of Canada? We have the right to know the answer to that question from the minister in this place for the Government of Canada. Does Mr. Scott Reid's statement represent the policy of the Government of Canada?

Senator Austin: Honourable senators, I would not challenge for a moment the right of any senator to ask whatever question he or she wishes to ask with respect to public policy.

I have provided an answer. It may not be the answer that senators on the other side want to hear. They probably would like to see me indulge in the kinds of statements that would make this issue even more difficult to negotiate. I am not prepared to do that.

EQUALIZATION PAYMENTS—NEWFOUNDLAND AND LABRADOR—OFFSHORE OIL REVENUES—LETTERS FROM PREMIER WILLIAMS TO PRIME MINISTER

Hon. Ethel Cochrane: Honourable senators, in response to a question yesterday, the Leader of the Government said, and I quote:

We have two different parties who both believe they have come to a conclusion, but they had an inarticulate premise, or two, or three that were not expressed.

Yesterday, Premier Williams produced three letters that he had written to the Prime Minister in which he clearly stated the province's proposal. In the June 10 letter, the premier specifically outlined the agreement. This position was reaffirmed in the letters dated August 5 and August 24. There are three letters, but the Prime Minister never provided a written response to Mr. Williams' letters. Yesterday, Mr. Williams said that his clear understanding of the agreement reached between himself and the Prime Minister, and confirmed to him in writing was never refuted, questioned or responded to negatively by Prime Minister Martin.

I ask the Honourable Leader of the Government in the Senate to help me understand. Premier Williams' letters are very clear. I have them here. If there were indeed a difference of opinion as to what had been agreed upon, why did the Prime Minister fail to respond in writing to Mr. Williams at that time and set the record straight?

Hon Jack Austin (Leader of the Government): Honourable senators, I have not seen those letters. I look forward to reviewing them. I would be pleased to see them tabled.

Honourable senators, of course, are aware that, in these negotiations, parties put their positions in writing. Officials and ministers have discussions and conduct negotiations. In no way am I suggesting that there was no response to these letters. The response may not have been in writing, but I am given to believe that discussions between the province, its ministers and officials, and those of the federal government opposite were continuous. They met in August. They met in September. When they met to discuss the health accord, it was requested by the premiers that the government table its equalization proposals and it did so at that stage. The premiers then asked that they refrain from discussing those proposals in September but that they hold a separate meeting to deal with those, and that meeting was held earlier this week. There can be no doubt in my mind that in no way did the government fail to respond fully to the points raised by the Premier of Newfoundland and Labrador.

Senator Cochrane: Honourable senators, I will table those three letters.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Cochrane: I would also say to the Leader of the Government that those three letters were written to the Prime Minister as the result of the conversation of June 5, during the election period, when Paul Martin was in our province.

The only response that Premier Williams received to those letters was dated October 24, 2004, and that came from Minister Goodale. The letters from Premier Williams were written back in June, and the response was received on October 24. I hardly think that that is sufficient, honourable senators.

Senator Austin: I can only repeat that the dialogue that goes on between the federal government and a province does not go on simply in the form of an exchange of letters by the heads of the respective governments. It goes on at the level of ministers and officials and, if the complete record were available to me, I would be delighted to list the dates on which those meetings were held. If Senator Cochrane would like to know about meetings at the official level, phone call dates and so on, I will be pleased to provide the chronology.

EQUALIZATION PAYMENTS—
OFFSHORE RESOURCES—REVENUE-SHARING
AGREEMENT—PLANS FOR PREMIER WILLIAMS AND
PREMIER HAMM TO MEET WITH PRIME MINISTER

Hon. Lowell Murray: Honourable senators, my question is for the Leader of the Government in the Senate. First, it appears from statements made both here and in St. John's that there was a telephone call yesterday between the Prime Minister and Premier Williams. Did they set a date for another telephone call? Was the question asked, "When shall we two meet again?" What plans are there?

Second, I do not know whether the Leader of the Government noticed yesterday an interview given on *CBC Newsworld* to Don Newman by Premier Hamm of Nova Scotia. The government of Nova Scotia is in discussions with Ottawa concerning its offshore resources and what arrangements might be made in a side agreement to equalization. I think we all know that the situation of Nova Scotia and that of Newfoundland and Labrador are somewhat different, but they seem to be looking for essentially the same arrangement. Premier Hamm indicated that he would be happy to see Newfoundland and Labrador join him at the table with Ottawa. What is the federal government doing to follow up on that constructive suggestion?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am not up to speed on the latest interchanges between the Prime Minister and Premier Williams, or the Prime Minister and Premier Hamm. With respect to the phone call made by the Prime Minister and taken by Premier Williams, I want to publicly acknowledge the facilitation of Senator George Furey in that particular event. However, you cannot ask him questions about it;

certainly not in Question Period. It is not pertinent to his role as chair of a standing Senate committee. However, it demonstrates the role of representing regional interests, which is available to senators; and it demonstrates that government is quite aware that senators can facilitate issues from time to time.

• (1450)

With respect to the question put to me yesterday, I did say at the time that I was not aware that the Province of Nova Scotia had reserved its position on the eight-year term and was still continuing. I have been advised that it has done so and the discussions are continuing.

Honourable senators, I have just been handed a statement that I wish to share with you. Mr. Reid has both telephoned Premier Williams' office and given several media interviews, to apologize for anything that might have given offence to the premier. Mr. Reid has stressed his desire to move past rhetoric and towards a new deal for Newfoundland and Labrador.

EQUALIZATION PAYMENTS—NOVA SCOTIA—
OFFSHORE OIL REVENUES—
REVENUE-SHARING AGREEMENT—SUNSET CLAUSE

Hon. Gerald J. Comeau: Honourable senators, there is no depth to which some of these people will not go.

I am pleased that the honourable leader referred to the Nova Scotia premier. Premier Hamm has said that he will not accept a royalty deal that includes an eight-year sunset clause. Contrary to the government minister from Nova Scotia who should be taking care of Nova Scotia but is not, Premier Hamm is fighting for Nova Scotia and for all Nova Scotians.

When the Prime Minister toured Nova Scotia a few days before the election, he indicated that Nova Scotia would be the principal beneficiary of offshore resources. Various Liberal candidates in the election used this as a means to gain votes in Nova Scotia, and it was quite helpful. There was no mention of a best-before date of 2012. Did the Prime Minister hide the fine print on the eight-year clause? This matter was never raised in the election campaign. Was it because the fine print was hidden from Nova Scotian voters? Was it because some of the Prime Minister's officials may have reminded him of the increased revenues that could be derived from rising oil and gas prices? Perhaps it was suggested that now is not the time to honour this promise by the Prime Minister?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would not impute any negative motives to anyone in this negotiation. The Prime Minister has had to negotiate equalization payments with all of the provinces, in consideration of the special arrangements that he has proposed for the provinces of Newfoundland and Labrador on the one part and Nova Scotia on the other in respect of offshore resources. In those particular cases, one might also speculate that the Prime Minister was asked by other provinces, some of which have Conservative governments, to provide a review mechanism. This is not a discontinuance of the arrangement — and I want to make that absolutely clear. It is a review at the eight-year point of how the special arrangement with the two provinces is performing.

Senator Comeau: Honourable senators, I might ask whether the honourable leader could indicate which provinces asked the Prime Minister of Canada to include this clause, subsequent to the election, as part of the offshore resources deal with Nova Scotia and Newfoundland and Labrador. I would ask whether the Prime Minister might have indicated to the premier or premiers who asked for the sunset clause that he — that is, the Prime Minister — could not do that because he made an undertaking with the people of Newfoundland and Labrador and Nova Scotia that there shall be no sunset clause. Might the Prime Minister have said, “I did not raise it during the election and, therefore, it is not part of the deal that I have with these two provinces.”

Senator Austin: I do not think that the honourable senator heard my last answer. I said that the eight-year provision is a review provision; it is not a sunset clause. There is no termination automatically at eight years. The provinces, as a group, have accepted this arrangement, subject to the negotiations by the Prime Minister. The Prime Minister has heard the concerns of the other eight provinces and, as a result, the federal government proposed an eight-year review. It is totally erroneous to say that there is any cap put on the arrangement at the end of eight years. “Cap” is a nice little word that has been bandied around, but I think Senator Comeau would want to join me in making sure that the arrangement is not misunderstood.

EQUALIZATION PAYMENTS—NEWFOUNDLAND AND
LABRADOR—OFFSHORE OIL REVENUES—PROMISE
BY PRIME MINISTER OF FUTURE NEGOTIATIONS

Hon. Gerald J. Comeau: Honourable senators, I would like to go back to my supplementary on the question of the Newfoundland and Labrador accord. Yesterday, Senator Kinsella mentioned that the Prime Minister told the *St. John's Telegram* in June that his word was good. Newfoundlanders assumed, perhaps wrongly, that this would be the Prime Minister's word on the done deal.

Did the Prime Minister think he was only promising future negotiations when he provided this commitment to the province? Does it mean that the promise of future negotiations would be his word?

Hon. Jack Austin (Leader of the Government): Honourable senators, let us get this story straight for the seventh or eighth time. The Prime Minister promised the Province of Nova Scotia and the Province of Newfoundland and Labrador 100 per cent of the revenues from the offshore resources. He said that those revenues would not be a deduction from their full entitlement to the equalization pool — and he has delivered on that promise.

EQUALIZATION PAYMENTS—NEWFOUNDLAND
AND LABRADOR—OFFSHORE OIL REVENUES—
NEGOTIATION BETWEEN MINISTERS OF FINANCE

Hon. Gerald J. Comeau: I will try one last time. During the week of October 14 to October 22, the Minister of Finance for Newfoundland and Labrador, Mr. Loyola Sullivan, called Minister Goodale's office in Ottawa virtually every day to ensure that there was an agreement on the proposal. On October 24, the Prime Minister said that he was unsure about why Premier Williams would not take yes for an answer. Mr. Sullivan said that week that the deal being proposed by the

federal government was not acceptable. Why could not the two parties reach a deal or at least indicate that there was a difference of opinion before Premier Williams had to come to Ottawa to try to salvage something of the Prime Minister's promises? Even after the many telephone calls by Mr. Sullivan and all the letters exchanged by the Premier of Newfoundland and Labrador, no deal could be reached. How long does it take for it to sink in that the Prime Minister was not living up to his commitment during the election?

Hon. Jack Austin (Leader of the Government): Honourable senators, the concluding sentence is totally wrong. The Prime Minister has lived up to the commitment with respect to 100 per cent of the revenues and equalization.

Senator Comeau: Therefore, Newfoundland is wrong.

Senator Austin: Many ideas enter the negotiation process at various stages. The major premise of the Prime Minister's undertaking on June 5 has been met. There are other ideas. The honourable senator was speculating a few minutes ago about the impact of the price of oil on these negotiations. Perhaps there is something to his speculation.

ENVIRONMENT

COMMISSIONER OF THE ENVIRONMENT
AND SUSTAINABLE DEVELOPMENT—
REPORTS ON ENVIRONMENTAL PERFORMANCE

Hon. W. David Angus: Honourable senators, in October 2002, and again last year on October 8 and 22, I made reference in this chamber to the 2002 and the 2003 reports of the Commissioner of the Environment and Sustainable Development. Both reports raised serious concerns about the glaring gaps between the Liberal government's commitments to the environment, on the one hand, and its actual performance on the other hand. The commissioner characterized this gap as the government's environmental deficit and said that good intentions are not enough.

• (1500)

Honourable senators, the commissioner, Johanne G  linas, has just released her 2004 report dated October 26, this week, and has once again highlighted the deplorable environmental deficit of this Liberal government. The commissioner says that she is particularly concerned that Canada's environmental performance has been downgraded from an already disappointing twelfth place ranking in 2002 to sixteenth place amongst OECD countries last year. This worrying trend has been confirmed in a recent embarrassing performance review on the state of Canada's environment by the OECD where Canada was criticized for spending less on pollution control than most other wealthy countries, and has seen increased greenhouse gas emissions, has more smog, and is having problems protecting its land and its water.

My question, honourable senators, to the Leader of the Government is: Can he please outline for honourable senators and Canadians at large what concrete steps this government is taking to correct its alarming environmental deficit and to bring Canada back into line with other OECD nations?

Hon. Jack Austin (Leader of the Government): Does the honourable senator have a supplementary question, so I can answer both questions at the same time? I am fascinated with the practice on the other side of asking questions and then asking supplementary questions.

Honourable senators, the government has received this report and welcomes it. There are deficiencies, and the government acknowledges the deficiencies which the commissioner has outlined in her report. Serious steps have to be taken by this government to deal with these environmental issues and issues with respect to the salmon fishery which are also pointed out in chapter 5 of this report.

At this stage, I do not have a comprehensive statement to give the chamber with respect to specific steps to be taken, but I can assure this house that the government will make a very serious response both in respect of the report and in respect of the steps that must be taken.

Senator Angus: Honourable senators, I thank the leader for that answer, and I can assure him that it is much more comprehensive and encouraging than the answer his predecessor gave me in 2002 and again in October of last year.

However, I would point out that the commissioner is also critical of the fact that, from high-level decision making to program and project planning, the government is not making proper use of some of the important and useful environmental decision-making tools which it has at its disposal. She lists various examples in her report, and I will not go into all of them. She mentions, for example, the use of strategic environmental assessment is far from adequate to meet its promise in guiding policy and program development. Project-level environmental assessment is also not fulfilling its potential in the international development projects that the commissioner studied. Fisheries and Oceans — and I believe this is the one to which the Leader of the Government referred — apparently has not used a risk-based approach in managing the potential impacts on fish habitat. I assume that relates to the salmon fishery off the Pacific Coast of Canada.

The supplementary question is: Can the leader please account for these failures, if possible, and explain what concrete steps his government will be taking to address these critical issues?

Senator Austin: Honourable senators, one important step this chamber could take would be to ask our Standing Senate Committee on Fisheries and Oceans to undertake a detailed and careful inquiry into the report of the commissioner. Indeed, I would personally like to see that committee hold hearings in both the Pacific and Atlantic regions to gather the response of the stakeholders to the report. It comes down, as all honourable senators know, to the political will to act; and the political will to act has a great deal to do with the environmental situation and its costs to a community, and also with the economic situation and its costs to a community. Senator Angus knows as well as anyone just how complex this particular trade-off between the sustainable development of our resources and ecology is, and the need to deal with an environmental and economic system.

In my province of British Columbia, there were news stories in the last day or two about a decision made by the government to not list two species of salmon as endangered. These are two species, of which there are only a few hundred salmon, and to list them would, under the law, require the suspension of the entire Fraser River fishery. Obviously the stakeholders, all of them in British Columbia, were not prepared to suspend the fishery.

I am going on a bit at length because I take the supplementary question as a serious one. I believe this chamber could make a solid contribution to this important subject with the leadership of our two committees, the Standing Senate Committee on Fisheries and Oceans, on the fisheries aspect, and the Standing Senate Committee on Energy, the Environment and Natural Resources. I will also speak to Senator Banks.

Senator Angus: May I assume that the honourable senator took the first question as a serious one?

Senator Austin: Honourable senators, I take it that I have been given an opportunity, in spite of Senator Stratton's disapproval of Senator Angus's continuation, to say, yes, I take the question as serious, except for the parts that were not.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table a response to a question raised in the Senate on October 21, 2004, by Senator LeBreton regarding the application of the Learning Bond Program.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

APPLICATION OF LEARNING BOND PROGRAM

(Response to question raised by Hon. Marjory LeBreton on October 21, 2004)

The Minister of Community and Social Services in Ontario has committed to removing the rule in Ontario which requires families to liquidate their Registered Education Savings Plans (RESPs) in order to be eligible for social assistance.

The Government of Canada will continue to work with all provinces and territories to ensure that low-income families have access to saving opportunities and realize the full benefit of their efforts to save for their children's education.

The Provinces (British Columbia, Saskatchewan, Manitoba, Ontario and Québec) and Territory (Northwest Territories) who do not currently exempt RESPs are reviewing the option to exempt them.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Chaput, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-eighth Parliament,

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that the following be added to the Address:

“and we urge Your Excellency’s advisors, when implementing the details of their proposals, to review the Employment Insurance program to ensure that it remains well-suited to the needs of Canada’s workforce, to reduce and improve the fairness of taxes, to be unwavering in the application of fiscal discipline, to examine the need and options for reform of our democratic institutions, including electoral reform, and to rise above partisanship to address the public interest;

That Your Excellency’s advisors consider the advisability of the following:

1. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend measures that would ensure that all future uses of the employment insurance program would only be for the benefit of workers and not for any other purpose;

2. opportunities to further reduce the tax burden on low and modest income families consistent with the government’s overall commitment to balanced budgets and sound fiscal management;

3. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to make recommendations relating to the provisions of independent fiscal forecasting advice for parliamentarians including the consideration of the recommendations of the external expert;

4. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend a process that engages citizens and parliamentarians in an examination of our electoral system with a review of all options;

5. with respect to an agreement on ballistic missile defence, the assurance that Parliament will have an opportunity to consider all public information pertaining to the agreement and to vote prior to a government decision;

And we ask Your Excellency’s advisors to ensure that all measures brought forward to implement the Speech from the Throne, including those referred to above, fully respect the provinces’ areas of jurisdiction and that the financial pressures some call the fiscal imbalance be alleviated.”—(7th day of resuming debate)

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, first I would like to congratulate my colleague from New Brunswick, Senator Noël Kinsella, on his election as Leader of the Opposition in the Senate.

I also want to pay tribute to Senator John Lynch-Staunton, who was our leader from 1993. I thank him for his leadership, for his views on the place the Senate should occupy in our Parliament and for his support during all these years.

I listened carefully to the reply to the Speech from the Throne that our leader, Senator Kinsella, gave. His approach was to highlight all the elements missing in the speech and show how potentially important they are to the future of our country.

[English]

I thought I would deal specifically with what was in the Speech from the Throne: warmed over promises, trotted out for exposure but no action, just one more line by a tired Liberal government void of new ideas.

• (1510)

The speech began with the phrase:

The Government will do its part to ensure that this minority Parliament works.

Those empty words had flesh put on them almost immediately by our colleagues in the other place who stood their ground on a subamendment calling on the government to address the fiscal imbalance between the federal government and the provinces.

The Leader of the Opposition in the other place demonstrated the leadership and commitment of which we know he is capable, and, through his hard work, encouraged passage of the amendment.

This action also ensured passage of a more elaborate amendment presented by the Leader of the Opposition, which had been duplicated here in the Senate.

This amendment deals with issues that affect Canadians — lower taxes, lower EI premiums, a commitment to institute a means for proper economic forecasts, electoral reform and a voice for Parliament in a future ballistic treaty.

These two amendments put a new face on this Speech from the Throne and set the agenda for Parliament which will address the issues faced by Canadians. The government in the speech commits to fostering a strong economy. Our first evidence that the government plays politics with the economy can be seen in the surplus forecast that was revealed at \$9.1 billion, up from the predicted \$1.9 billion.

It is time the government made good on the commitment to address the debt. Yes, the speech refers to the government objective to reduce the debt-to-GDP ratio to 25 per cent within 10 years. Even if the government did nothing but have a balanced budget, the debt-to-GDP ratio would be reduced to 25 per cent just simply by the growth in the economy alone.

A realistic target should have been a debt-to-GDP ratio of 20 per cent in 10 years, as advocated by our leader in the other place. That is a realistic target. That would make government tighten its belt in order to meet that target. Pay down the debt. The money saved on the interest, could then be freed up to invest in social programs such as health care, education and to reduce taxes.

The speech fails to address the needs of post-secondary students. A learning bond will not help those who are shouldering high debt loads as they attempt to pursue an education. It is time this government committed to ensuring access to post-secondary education for all qualified students, regardless of ability to pay.

We will see how the government delivers on its other economic commitments: less regulation, greater productivity, more venture capital. We have heard it all before. This government, which cannot manage the trade file, especially with our largest trading partner, commits in the speech "to secure and enhance our access to markets."

Please concentrate on the areas you have mismanaged — softwood lumber and the BSE. Solve the problems your attitude towards the United States has created before you venture elsewhere.

The throne speech promises health care for Canadians. As it promises health care, we receive reports that waiting times have increased across the country. Our health minister promises to enlarge the group compensated for contracting hepatitis C and then retracts that promise the next day.

The next day, again, the health accord is reached by throwing around taxpayers' money, but with no enforceable standards. This is hardly a plan for 10 years. It is barely a plan for 10 months. Our emergency wards in my hometown are known as "zoos" because of the overcrowding and long waits for medical attention. One of the most crippling issues in health care today is the cost of drugs. That has not even been dealt with.

Yes, an agreement was reached, but will it improve the health of Canadians? We need a long-term joint federal-provincial strategy. There must be no more meetings held without a plan, no agenda, and no idea on the part of the federal government as to how it will address health care. Maybe this is not surprising as it comes from a Prime Minister who, nine years ago, was ready to scrap the health care act all together.

To add insult to injury, the speech dredges up the universal child care promise one more time. Look at the headlines earlier this week across the country: *The Star Phoenix* of Saskatoon, "Canada's child-care system in bad shape"; the New Brunswick *Telegraph Journal*, "International report criticizes Canada's

'fragmented' child-care programs"; the *Hamilton Spectator*, "Canada comes up short in child care: System offers 'basic babysitting'"; the *Moncton Times and Transcript*, "Canada's child care criticized in report: 'Fragmented' programs disregard early education, says the international study." Low and behold, the headline in the *Toronto Star* reads "A call to action on child care."

This all started back in the days of the 1993 election, Paul Martin's Red Book. The kids at that time who were promised child care are entering high school today and we still do not have child care. This is one of the cruellest jokes perpetrated on Canadians by a series of Liberal governments since 1993. Give parents a tax credit so they can choose their own form of child care.

We go on to Aboriginal Canadians and their concerns are now only peripherally addressed. Time was when a good position of the throne speech was devoted to the needs of Canada's Aboriginal people. Now the previously committed \$700 million for Aboriginal health care is reannounced in the throne speech and a report card on progress is offered — whoop-de-do.

As the Liberals move into provincial jurisdiction dealing with the cities, the speech re-announces the Liberal portion of the gas tax to be given for the benefit of municipalities, a re-announcement of a re-announcement. Will the money flow to address our crumbling infrastructure problems?

The government recommit to its failed plan to implement Kyoto. Admit Kyoto will not address environmental concerns and get on with giving Canadians clean air and clean water.

The speech ends with a description of the Liberal commitment to our Armed Forces and to foreign aid. Volumes have been written in the past three weeks on the problems the government has created for our military through chronic underfunding. Senators Forrestall, Meighen and others have addressed and will be addressing this in detail.

This is a statistic that is unheard of — 92 per cent of Canadians realize that we have dramatically underfunded our Armed Forces. Do you not think the government would finally get the message that there are serious problems?

The last page of the speech refers to the government's plan to involve parliamentarians in the review of key appointments. With this in mind I will be reintroducing my private member's bill that establishes a non-partisan nominations process. I look forward to the government keeping its commitment in this area.

We have seen the opposition Conservative Party in the other place set the agenda, an agenda addressing the real needs of Canadians.

We are in for some interesting times, both here and in the other place. I look forward to participating and holding the government accountable for its promises.

Hon. Catherine S. Callbeck: Honourable senators, it is with great pleasure that I rise today to participate in the address in reply to the Speech from the Throne, which was so capably moved and seconded by my colleagues, Senators Munson and Chaput. I congratulate them on a job well done.

I also want to congratulate the senators opposite who have taken up new roles within the leadership. I welcome the opportunity to work with them in this Parliament, as well as to continue working with very able colleagues in the leadership on this side of the house.

• (1520)

A Speech from the Throne traditionally sets out a government's priorities for a new Parliament. I am pleased to note that themes such as a stronger economy, support for society's most needy, and investment and innovation in sustainable technologies are paramount in this most recent throne speech.

Regional and rural development are central components in building a strong economy. Regional development agencies such as the Atlantic Canada Opportunities Agency, or ACOA, and tools such as the Atlantic Innovation Fund help develop successful businesses, create jobs and increase our region's capacity to carry out the leading-edge research and development needed in a knowledge-based economy.

As we move more and more firmly to that knowledge-based economy, expectations are that, within five years, two thirds of all jobs in Canada will require some form of post-secondary education training. However, it is estimated that as many as 8-million Canadians may not have the necessary literacy capacity to fully engage in our economy. Twelve per cent of Canadians do not complete high school.

Furthermore, we are currently faced with a growing shortage of skilled workers in areas such as construction, oil and gas, and manufacturing. New entrants into skilled trades are insufficient to meet the shortfall that is created by people who are retiring. The Conference Board of Canada has warned that by the year 2020 Canada will be short 1-million skilled workers.

A strong knowledge-based economy needs a skilled and well-educated workforce able to compete on a global level. The government's commitment to enhance skills development through the new Workplace Skills Strategy is most welcome, as is its recognition that literacy skills, apprenticeship opportunities and top-notch training facilities are central to the success of the strategy.

The government must also find ways to ensure access to post-secondary education and training. A new learning bond is being proposed, which will provide low-income families with up to \$2,000 for children born after January 1, 2004. To encourage families to set up a Registered Education Savings Plan, the Canada Learning Bond will provide \$500 to children born on or before January 1, 2004, to families that are entitled to the National Child Benefit supplement. This will be followed up by 15 annual \$100 entitlements for each year the family is entitled to that National Child Benefit supplement. With earned interest, these entitlements could be worth up to \$3,000 by the time the

child reaches 18 years of age. It is initiatives such as that we need, to ensure that all Canadians have access to post-secondary education and training.

Canada has an aging population, and we are heavily reliant on immigration to sustain our population. In this regard, Canada does not easily recognize foreign credentials, and there are many instances of engineers, doctors and nurses who are working as taxi drivers because their credentials are not recognized in Canada. Therefore, the government's commitment to renew efforts to work with the professional organizations and provinces to formulate strategies to recognize foreign credentials is very timely.

Another federal initiative designed to support a stronger economy bears mentioning, and that is the government's commitment in the Speech from the Throne to reform the equalization program, to make more stable and predictable the total payments by the federal government to the less wealthy provinces. All four Atlantic provinces rely heavily on equalization payments to provide public services. These revenues are used to support provincial priorities in health, education and other sectors of the economy. Unpredictable funding levels impair provincial abilities to budget appropriately in meeting the needs of Canadians, including our most vulnerable. Therefore, I was pleased that last Tuesday the federal government signed an agreement on equalization with nine provinces and the territories. I am proud that Prince Edward Island will receive an extra \$32 million in 2004-05. We are currently receiving \$247 million, but that figure will be increased to \$279 million, which is an increase of \$32 million, or about 13 per cent.

Honourable senators, investing in our children, our families and our seniors and providing support for our country's most vulnerable Canadians is a significant theme in the Speech from the Throne. Not only must we invest in our economy, but we must also invest in our people.

Last year's report on the Prime Minister's Task Force on Women Entrepreneurs raised the issue of a national child care system, as it affects the participation of women in the workforce and the ability of women to consider self-employment as a valid career option for them and their families. It is well known that early learning and child care programs and services play an important role in the healthy development of young children. The federal government's commitment in the Speech from the Throne to a national system of early learning and child care, based on quality, universality, accessibility and development, will help children to reach their full potential.

As lawmakers, we must not only provide a good start for our children, but we must also ensure that they are protected and valued as they grow into adulthood. To that end, I would like to commend the government on the introduction in the other place of new measures to combat child pornography.

Investing in our people does not only mean investing in our children. It also means caring for our families and for our aging population. According to Statistics Canada, by 2026, 8-million Canadians will be over the age of 65, compared to 4 million in 2000.

As our society ages, there are more and more families who are in the sandwich generation, caring for young children as well as aging parents and grandparents. Federal initiatives to improve

existing tax-based support will help families deal with the economic constraints associated with care giving. The proposed increase to the Guaranteed Income Supplement for Canada's least well-off seniors will provide them with increased means to meet their basic needs.

The new 10-year health plan to strengthen health care, agreed to by the federal government and all the provinces earlier this fall, also represents a significant investment in health care. The plan to reduce wait times and increase access to quality health care is especially important to my province of Prince Edward Island.

In a recent study, it was indicated that the wait time for residents of Prince Edward Island for a referral from a physician to a specialist are among the highest in the country, and some Islanders do not even have a family doctor. The federal government's commitment to predictable long-term funding is a substantial investment in the people of Canada.

My province will receive an extra \$151 million over 10 years, plus extra dollars under the wait times reduction strategy. That is a significant increase.

As well as investing in our people and in a stronger economy, the Speech from the Throne also highlights some investments in innovation and sustainable development. Both provide opportunities in the world economy for Canadian researchers and entrepreneurs.

• (1530)

Investments in innovation and energy sources such as wind power are important to Atlantic Canadians. The North Cape Wind Farm in Prince Edward Island currently provides 5 per cent of the island's electricity. It is estimated that by the year 2010 wind energy will supply as much as 10 per cent of the province's electricity needs. Sustainable development, especially in the ways we use and produce energy, is key to the long-term health of our environment.

Honourable senators, the government has set out in the Speech from the Throne a comprehensive and ambitious plan for governing. With themes such as investing in a stronger economy, investing in our people, including our most vulnerable citizens, and investing in innovation and sustainable development, the government is charting a course for Canada that has a lot to offer Atlantic Canadians and Prince Edward Islanders. I look forward to working with my colleagues to implement these measures.

Hon. Lowell Murray: Will the honourable senator permit a question?

Senator Callbeck: Yes.

Senator Murray: As a former Premier of Prince Edward Island, does she agree with the present Premier of Prince Edward Island that the introduction of a per capita formula into part of the equalization program is not good news for Prince Edward Island and the other less populous recipients of equalization?

Second, with regard to a national child care program that she mentioned, does she expect that the federal government will be expecting the provinces to foot part of the bill? If so, how big a share does she think Prince Edward Island will be able to carry?

Finally, in a lighter vein, has Prince Edward Island gotten over its hang-up about importing nuclear power from New Brunswick?

Senator Callbeck: On the question of equalization, if I were premier at this time, I would be extremely happy with the amount of money that will come to the province. When I was premier, payments were cut back. I remember walking into the office one day and finding out that payments had been cut by some \$30 million. PEI is receiving an extra \$34 million this year, which is a windfall.

With regard to child care, my understanding is that it is to be paid for by the federal government, that they will be footing the bill.

I am sorry, but I did not understand the question on nuclear power.

Senator Murray: For a long time, Prince Edward Island would not import power from New Brunswick because some of it had been produced at a nuclear plant.

Senator Callbeck: Right. Is the honourable senator asking me a question, or did he just intend to make a comment?

Senator Murray: It was asked in a lighter vein.

Hon. Wilbert J. Keon: Yesterday in my remarks I said that I did not think that the present funding formulas could maintain a sustainable health system in Canada. It is my impression that even with what has been done, the provinces are facing bankruptcy given the current funding of health care. I would deeply appreciate a comment from the honourable senator, awkward as it may be for her, because she is a former premier. I think we need an entirely new approach if the provinces are to avoid that predicament.

Senator Callbeck: I can tell my honourable friend that it is a big concern of mine. The Standing Senate Committee on Social Affairs, Science and Technology, of which Senator Keon and myself are members, produced a report on health care in 2002. Senator Keon alluded to many of its recommendations in his speech yesterday and expressed several concerns. Let me say that I share them.

On motion of Senator Stratton, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Wilbert J. Keon, for Senator Kirby, pursuant to notice of October 20, 2004, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Wilbert J. Keon, for Senator Kirby, pursuant to notice of October 20, 2004, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO STUDY GOVERNMENT
POLICY FOR MANAGING FISHERIES AND OCEANS

Hon. Elizabeth Hubley, for Senator Comeau, pursuant to notice of October 27, 2004, moved:

That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and report on issues relating to the federal government's new and evolving policy framework for managing Canada's fisheries and oceans; and

That the Committee submit its final report to the Senate no later than Friday, March 31, 2006.

Motion agreed to.

STATUTES REPEAL BILL

BILL S-5 REFERRED TO LEGAL AND
CONSTITUTIONAL AFFAIRS COMMITTEE

Hon. Joan Fraser, for Senator Banks, pursuant to notice of October 27, 2004, moved:

That Bill S-5, An Act to repeal legislation that has not come into force within ten years of receiving royal assent, which was referred to the Standing Senate Committee on Transport and Communications, be withdrawn from the said Committee and referred to the Standing Senate Committee on Legal and Constitutional Affairs.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

Hon. Eymard G. Corbin: Could we have an explanation?

Senator Fraser: Honourable senators, this motion is necessary basically because an error crept into the original motion. On the plain face of it, this bill is more suited to the Standing Senate Committee on Legal and Constitutional Affairs than to the Standing Senate Committee on Transport and Communications. Furthermore, in the last session of Parliament, the earlier version of this bill received fairly detailed study by the Legal and Constitutional Affairs Committee. That would seem to be the appropriate place to continue the study of the bill.

The Hon. the Speaker: No senator rising to intervene further, are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 2, 2004, at 2 p.m.

Motion agreed to.

The Senate adjourned until Tuesday, November 2, 2004, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)
(1st Session, 38th Parliament)

Thursday, October 28, 2004

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0			
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19							
S-14	An Act to protect heritage lighthouses (Sen. Forestall)	04/10/20							
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20							
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27							
PRIVATE BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

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1st SESSION

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38th PARLIAMENT

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NUMBER 11

OFFICIAL REPORT
(HANSARD)

Tuesday, November 2, 2004



THE HONOURABLE DAN HAYS
SPEAKER



This issue contains the latest listing of Senators, Officers of the Senate, the Ministry,
and Senators serving on Standing, Special and Joint Committees.

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, November 2, 2004

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE EDWARD M. LAWSON

The Hon. the Speaker: Honourable senators, I received a notice from the Leader of the Government who requests that, pursuant to rule 22(10), the time provided for Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Edward Lawson, who retired on September 24, 2004.

I remind honourable senators that, pursuant to our rules, I am obliged to advise that the time for tributes for each senator is three minutes. They may speak only once. The time in total is not to exceed 15 minutes.

Honourable senators, before proceeding to the tributes for Senator Lawson, I should like to draw to your attention the presence in the gallery of our former colleague, the Honourable Ed Lawson, his wife Beverley, and their nephew Robert Jackman, who is a political science student.

Welcome to the Senate.

Hon. Senators: Hear, hear!

Hon. Jack Austin (Leader of the Government): Honourable senators, it is far from easy to do justice to the life and times of our colleague Senator Edward Lawson within the space of three minutes.

For over 33 of his 34 years in the Senate, Senator Lawson represented British Columbia. He was an independent in politics. He joined the Liberal Party at the beginning of his last year, yet throughout his 34 years as senator he has remained independent in thought from the day he was appointed to the Senate until the day he retired this September.

I believe Senator Lawson is the most senior labour leader we have had in the Senate. As is well known, he rose quickly in Canadian teamster ranks, serving ultimately as Vice-President with the International Brotherhood of Teamsters.

I first met him 40 years ago when he headed the Vancouver local of the teamsters. He not only stood tall for the rights of the house of labour but was also a leader in the cause for people who are called today the "socially and economically disadvantaged."

Some of us may recall that following Senator Lawson's inaugural speech, Senator Jacques Flynn, then Leader of the Opposition in the Senate, expressed concern that Senator Lawson might unionize the Senate. Senator Lawson's response was that he would, except the policy of the union was "to organize only the downtrodden and underprivileged." Actually, some senators of that day thought that those words fit.

Senator Lawson earned the respect of the U.S. teamster leaders by challenging them to extend equal pension rights to Canadian members. Because of Senator Lawson, Canadian teamsters were able to establish their own separate chapter, and Quebec teamsters were able to benefit by having their own union constitution in French and by conducting union business in French.

No union leader is ever free of politics. As a member of the Teamsters International Board, he was compelled to endorse President Nixon's campaign in 1976. In addition, each board member was requested to give a campaign donation to Mr. Nixon of US \$1,000. Senator Lawson objected to participating on the grounds that as a Canadian citizen it was illegal for him to give any campaign donation, but the senator's abstention was not accepted by the board. Thus, he had to concede and provide the requisite US \$1,000.

He thought nothing of the matter for 16 years. However, in 1992, Senator Lawson retired from the International Brotherhood of Teamsters and decided it was time to read the file on him compiled by the FBI. Only one item stood out — an illegal contribution to the Nixon campaign. It probably got him an FBI gold star.

Senator Lawson has worked for the benefit of many charities, including a decade at the Johns Society, an alliance of members of labour, management and government, who have come together to support leukemia patients and bone marrow registration. For his work on this worthy cause, Senator Lawson was honoured in 1997 by the Johns Society and by a congressional House of Representatives award, which I am sure means a great deal to him.

Integrity and justice have been his prime motivation. His speech last year in commemoration of Black History Month, recounting his personal experience with Martin Luther King Jr., is one that no one here is likely to forget.

• (1410)

Senator Lawson has always been effective in disarming critics by employing his famous sense of humour, but there is truth in his levity. He will be missed not only for his straightforward views but for the many enlightening experiences that have contributed to the edification of his colleagues over these many years.

Senator Lawson's retirement on September 24, 2004, when Parliament had not yet been recalled from the June 28 election, does not let him respond to us today, so we say good health and good work for many years to come, especially in the company of his wonderful wife, Beverley, who has been solidly by his side.

Hon. Gerry St. Germain: Honourable senators, my friends Ed and Bev will be missed by Margaret, my family and me. Today I lose a friend in the Senate; I lost him as a travelling colleague on September 24.

I would like to start at the beginning, because I have come to know Senator Ed in a personal way, not only as a friend and as a golf partner, but as someone I travelled with, laughed with, and sometimes cried with as well.

Honourable senators, I think the Senate reflects many different people; those who come to serve from absolute poverty to those who come from better beginnings. Senator Lawson was born in Gerald, Saskatchewan, and ended up in Pouce Coupe, British Columbia, with his family, where he lost his father and his mother became very ill. They were moved to Vancouver through the Catholic Children's Society and he and his siblings were raised by the Hébert family in Fort Langley, B.C., close to where I have resided for most of my life.

He had two brothers, Émile and Leonard, and one sister, Clara. Émile went into the military very young, being the oldest in the family, and he died on the last day of the war in 1945, leaving a void in Senator Ed's life.

Senator Ed went to work at the age of 15 in a warehouse in New Westminster, British Columbia. He then proceeded to Kitimat. I will not be able to cover everything in three minutes. As Senator Austin pointed out, the man has led an interesting, good life.

He became Vice-President of the International Brotherhood of Teamsters after having served with the construction workers in Kitimat, B.C., where he rose to the highest level for a Canadian in the Teamsters.

In 1993, when I came to the Senate, I met Senator Lawson briefly, and then I met him again in Palm Springs. We had much in common. Golf has been our passion and humour has been part of our lives, with the humour aspect mainly on Senator Lawson's side.

Senator Sparrow has shared many of our interesting moments as far as humour is concerned. Senator Lawson's humour has shared the podium with the likes of Milton Berle, Jackie Mason and others, which is an indication of how funny he really is. I know that most senators have seen the humorous side of Senator Ed.

Honourable senators, Senator Lawson has worked with the Hispanic caucus in the Teamsters and in the Zajac Foundation in Vancouver, just to name a few. He was appointed to the Senate by Prime Minister Pierre Trudeau on the recommendation of Prime Minister Pearson, where he served for 34 years.

His logic has always risen to the fore, whether it be with respect to the gun registry, which we agreed on, or the decriminalization of marijuana, which we disagreed on. Nevertheless, we always worked together.

Senator Ed has three daughters — Linda, Wendy and Lisa — and his nephew is here with us today; but his greatest strength is the lady in the centre, the lady in red, Beverley Lawson. She has been his soulmate and supporter, and has been a friend of ours as well. She is a wonderful person.

Friendship, Piesporter wine, non-whipped butter, and fresh-brewed decaffeinated coffee are Ed's hallmarks.

May your drives be long and straight, and your putts short and true. God bless you, my friend.

[Translation]

Hon. Pierre De Bané: Honourable senators, I want to pay tribute to Senator Ed Lawson, who retired on September 24. His retirement is well-deserved and we hope it is a very happy one.

Senator Lawson sat in this chamber for more than 34 years. Currently only Senator Sparrow — also a native of Saskatchewan — can boast a more enviable record. However, no other senator ever represented British Columbia longer than Senator Lawson did.

[English]

Edward M. Lawson was called to the Senate in October 1970 by then-Prime Minister Pierre Elliott Trudeau. Perhaps I should use words like "convinced" or "cajoled" instead of saying "called" to the Senate.

Mr. Lawson, who felt he was far too busy as a national director of the International Brotherhood of Teamsters, had said no when first asked by Prime Minister Trudeau. Mr. Trudeau insisted and, in the end, Mr. Lawson relented, all for the better.

From October 1970 until January 1992 when he retired from the labour movement, Senator Lawson devoted himself to the affairs of the international brotherhood as well as those of the Senate. Beginning in 1992, he devoted all his time and attention to fulfilling his senatorial duties. With his vast union experience, Senator Lawson has brought a unique labour perspective to our debates, along with a touch of humour, for he was known for his sense of humour and liked to say, "People who laugh live a lot longer."

[Translation]

Over the course of the 34 long years that he sat in the Senate, Senator Lawson always defended the interests of Canadians, but especially British Columbians. The interests of the citizens of his province, but especially western alienation, have always concerned Senator Lawson. In fact, that is why he gave up his status as an independent senator in February 2004 in order to join the Liberals. He felt he could do more to counter western alienation as a member of the Martin Liberals than as an independent senator.

While Senator Lawson has always had the interests of British Columbians at heart, so too has he had the interests of workers at heart throughout his entire life.

[English]

For more than 40 years, before he was called to the Senate and thereafter, Ed Lawson has devoted time and effort to the International Brotherhood of Teamsters, serving the needs of North American working men and women in various capacities. Notably, he has served many years as vice-president for the brotherhood and is founding Director of the Canadian Conference of Teamsters.

Senator Lawson has received many awards, including, most notably, the James R. Hoffa Lifetime Achievement Award. That award was set up in 2003 to mark the one-hundredth anniversary of the International Brotherhood of Teamsters and to recognize members of the brotherhood "who have distinguished themselves with their membership and brought credit to the union." Only five people, it should be noted, have ever received the James R. Hoffa Lifetime Achievement Award.

• (1420)

Senator Lawson has served, and continues to serve, on the boards of several Canadian companies. Most notably, he has served on the board of Northwest Sports, which operates the Vancouver Canucks of the National Hockey League. Senator Lawson has participated actively in many charitable and community organizations, including the Variety Club, Lions Society, Zajac Foundation and Childhelp U.S.A., to name only a few.

Senator Lawson may have had to retire from the Senate but he has not retired from life. We shall miss him and his sense of humour. We wish him and Ms. Lawson well.

Hon. David Tkachuk: Honourable senators, Gerald, Saskatchewan, was the birth place of baby Ed Lawson some 75 years ago. For those who do not know, Gerald is a town that survived the 50-year exodus from Saskatchewan to Alberta and British Columbia and still has 158 residents today. It is between Esterhazy and Manitoba. If senators still cannot place it, it is up the road from Rocanville, not far from Yarbo and Spy Hill. Now everyone should have a good picture of Senator Lawson's hometown.

I have an update. Senator, in case you and Bev are thinking of retiring in Gerald, it has running water and a Web site, which I particularly like. It says: well water; tastes very good; treatment, however, unknown; \$60 every three months, sewage included.

Senator Lawson has been in the Senate much longer than he was in Gerald. He was appointed in 1970 — 34 years ago. He spent 33 and one half of those years as an independent because it took the Liberals that long to convince him to join them. Senator Lawson is the most expensive convert in history.

I always knew Senator Lawson was a Liberal because he favoured the legalization of marijuana and other drugs, not that that idea is unusual because many libertarian Conservatives have the same view. The point is that Senator Lawson wanted to tax those drugs.

I was introduced to Ed by Senator St. Germain. For a number of years, Ottawa restaurants beheld the unusual but not infrequent gathering of the three of us — Alliance, Progressive Conservative and independent senators — when we met for dinner and stories, often joined by his wife, Bev. Despite our political differences, we got along rather famously. After all, we often wanted the same things out of our political system but just different pockets to pay for them. Unlike many modern-day union leaders who are more active in organizing government employees, Senator Lawson knew that we need capital, labour and returns on investment for the families to enjoy good salaries and pensions. He organized in the open market, which is a tough thing to do.

Senator Lawson, we all know what a good senator you are and what a good orator you are. That brings me to my lament for your absence. I read in one of your West Coast news publications, *The Public Eye*, that former Liberal MP, Sophia Leung, is the odds-on favourite to replace you, apparently voted year after year as the worst orator in the other place.

Good luck and good health. I know that you and Bev will enjoy many laughs. I hope that in retirement we will have ample opportunity to share them with you.

Hon. Ethel Cochrane: Honourable senators, I, too, wish to add my voice in tribute to my friend, the Honourable Edward Lawson. I can only agree with the portrait that other honourable senators have painted today of this fine man. I wish to add a personal thank you to Ed. The warmth and good humour that he brought to this place will be dearly missed. He is one of those rare people who brightens any room and can always lighten the mood with a good joke, a funny story and a hearty laugh. Even on the most challenging days, Ed could inspire a smile and ignite a fit of laughter. I thank you for that Ed.

As you take your well-deserved retirement, I wish you and Beverley much health and happiness for the many years to come.

Hon. Marcel Prud'homme: Honourable senators, I would like to say a few words about our friend, Senator Lawson. He was a tough negotiator when I first came to the Senate. He watched me having difficulty with the government whip and said that I needed someone to negotiate for me; and he helped me out. Honourable senators may be aware that I am a member of the Foreign Affairs Committee, but I do not know if Senator Lawson had anything to do with that. He is charming, absolutely convincing and ever surrounded by the most beautiful smile of his wife, Beverley. Senator Lawson is devoted, loyal to his friends and feared by his enemies, if ever he had any enemies.

At the end of his career, he returned to the Liberals. After 41 years he simply returned to the place where he had always been. As a Montreal Liberal, I can say that many Liberals in the 1950s and 1960s are forever extremely thankful for the great support they received from the Teamsters over the years during their difficult election.

I will miss you, Senator Lawson, but I will see you and your wife in British Columbia. Both of you have always been so kind to me since I first arrived in the Senate. Long-live both Ed and Beverley.

SIMON FRASER UNIVERSITY

Hon. Mobina S. B. Jaffer: Honourable senators, Simon Fraser University was established in 1965 during a time of dramatic social change. It was a time when institutions and traditions were tested by deep questioning, radical imagination and creativity. SFU captured the vibrant spirit of those formative years and gave new definition to the idea of university. Hierarchy was tempered by openness, inclusion and a profound commitment to academic freedom. Like the explorer whose name the university bears, SFU prizes adventure and discovery.

Nearly 40 years later, with its main campus situated atop Burnaby Mountain in the heart of B.C.'s Lower Mainland, SFU is recognized as one of Canada's leading comprehensive universities. Five times it has been ranked the number one comprehensive university by *Maclean's*, which can be attributed, in part, to its innovative undergraduate programs and outstanding graduate programs, with an enrolment of more than 23,000 students. SFU is making a rich contribution to the economy and to the intellectual environment in B.C. and in Canada.

The Centre for Dialogue, located in downtown Vancouver, welcomes local, national and international meetings of government, business and community organizations in a setting custom-designed to facilitate dialogue on matters of urgent public importance. SFU is proposing to relocate its celebrated School for the Contemporary Arts to the historic Woolworth's development in Vancouver's downtown East Side. It will be part of the dramatic transformation proposed for this disadvantaged part of the city.

SFU will be celebrating its fortieth anniversary in 2005 through the Reaching New Heights Campaign. Simon Fraser University is preparing for its next 40 years. I ask that honourable senators join me in congratulating Simon Fraser University, Chancellor Milton K. Wong, and President and Vice-Chancellor Michael Stevenson on 40 years of academic achievement.

JUSTICE

STEVEN TRUSCOTT CASE

Hon. Marjory LeBreton: Honourable senators, last Thursday Justice Minister Irwin Cotler announced that he was referring the case of Steven Truscott to the Ontario Court of Appeal. The minister had determined that there was "a reasonable basis to conclude that the miscarriage of justice likely occurred" back in 1959 when Mr. Truscott, then a 14-year-old boy, was convicted of murdering 12-year-old Lynne Harper. Words cannot properly express my profound sadness as I watched the Truscott family following the decision. While I was pleased to note that the minister acknowledges, by referring the case to the Court of Appeal for Ontario, the evidence that there was a miscarriage of justice, I regret his decision, because it delays, yet again, Mr. Truscott's desire to clear his name.

• (1430)

Honourable senators, we all know that Mr. Truscott was convicted on highly questionable and circumstantial evidence in a trial that lasted only a few weeks. Steven Truscott has maintained his innocence throughout. Can you imagine a 14-year-old boy facing a trial, a death sentence, four months on death row and 10

years in prison? Any fair-minded, straight-thinking person would surely conclude that what we have here is a travesty of justice.

The Association in Defence of the Wrongly Convicted undertook an application for a section-690 review of the case on behalf of Mr. Truscott. Their research showed incompetence, inappropriate behaviour by police and the withholding of information that would have freed Mr. Truscott, not to mention new information that has come to light since.

Last week, the justice minister arrived at his decision regarding the case. He had three options from which to choose: refer the case to the Court of Appeal for Ontario; order a new trial; or dismiss the application. The minister chose to send the case to the Court of Appeal for Ontario because, in his opinion, it would produce a strong conclusion to the matter. Maybe. However, the Court of Appeal for Ontario could also dismiss the appeal or order a new trial. In any case, it could be at least two years before the family can put this behind them.

Mr. Truscott is seeking exoneration. He quite rightly wants to clear his name. His lawyer, James Lockyer, has said that his client wants the Attorney General of Ontario to acknowledge that Mr. Truscott did not commit the crime.

If the minister had ordered a new trial, the charges likely would have been dropped because of lack of evidence. In an October 30, 2004, article in the *National Post*, David Asper wrote the following:

In a perfect world, Cotler would have effectively exonerated Truscott on the spot.... The Crown would rise and advise the judge that it intended to call no evidence against Truscott. The defence would move for an acquittal. And it would all be over.

Honourable senators, this is not a perfect world. The minister did not call for a new trial; he sent the case to appeal. The Attorney General of Ontario apparently cannot expedite the case. All we can do is watch the spectacle continue.

It is to Mr. Truscott's credit that he has so stoically accepted the minister's decision. I get the sense that he dares not hope. How terribly sad.

Honourable senators, this is truly a situation where justice delayed is justice denied. Mr. Truscott has waited 45 years to clear his name. Regrettably, because of the decision by the justice minister, he has been forced to wait even longer.

REMEMBRANCE DAY 2004

Hon. Catherine S. Callbeck: Honourable senators, November 11 is a day of remembrance, a day to remember the more than 110,000 Canadians who died fighting for freedom in the First World War, the Second World War and the Korean War. The year 2004 marks the ninetieth anniversary of the beginning of World War 1, what was then thought to be the war that would end all wars. Almost 620,000 Canadian men and women served in the First World War at a time when the population of our country was

only a few million; 7,168 of them were from Prince Edward Island. In total, 66,000 Canadians lost their lives in that conflict.

The year 2004 also marks the sixtieth anniversary of the invasion of Normandy — the beginning of the end of the Second World War. Over 1 million Canadians served in the Second World War, and 9,039 of them were from Prince Edward Island. Approximately 45,000 Canadians gave their lives in this battle of freedom.

Canadians again responded to a call to arms when North Korea invaded South Korea, the first open attack of aggression since the establishment of the United Nations. Canada made a larger contribution per capita than most of the nations. Our country provided troops for the international force, with more than 26,000 Canadians serving in the Korean War. In excess of 516 Canadians lost their lives in that war.

This November 11, we will also remember the men and women who have contributed, and continue to contribute, to Canada's peacekeeping efforts around the world. Canada has a long-standing commitment to peace and freedom as shown by our contribution to more than 40 separate peacekeeping missions.

Tens of thousands of Canadians have served in peacekeeping missions, and more than 100 have lost their lives. The sacrifice of all the Canadian men and women who have lost their lives in the pursuit of peace and freedom is not forgotten.

THE LATE AL CLOUSTON

Hon. Ethel Cochrane: Honourable senators, I rise today to pay tribute to a well-known Newfoundlander, Al Clouston, who died last week at the age of 94.

"Uncle Al," as he was known in my province, was a gifted storyteller who entertained generations of Newfoundlanders and Labradoreans. Whether in a kitchen or a parish hall, on a wharf in an outport community or on the stage of a lecture theatre, audiences would be holding their sides in laughter at the colourful yarns spun by Uncle Al.

Al published numerous best-selling books over the years, including two Christmas books, and recorded four comedy albums. For his album "Cinderelly," he was honoured with a Juno nomination in 1980. Those impressive achievements are all the more remarkable when you consider that Al was already in his 60s and retired from the family business when he turned his passion for funny stories into a career.

Uncle Al's jokes and stories were always positive and in good taste, and they were told in a manner that celebrated the people of my province and her folklore. He wrote:

Newfoundlanders have the divine gift of being able to laugh at their troubles, at their triumphs and at themselves.

This view was fundamental to his work.

Honourable senators, I experienced Uncle Al's storytelling genius first-hand. On a visit to St. Patrick's Mercy Home in St. John's a few years back, I stopped by a room to visit with

seniors who were holding a singsong. As I entered the room, I noticed that one voice was louder than the rest — and what a wonderful voice it was. When I looked to see who was responsible for that beautiful singing, I was pleasantly surprised to see that it was Uncle Al. He was the heart of the group, surrounded by all the others, and his charisma was undeniable. His infectious smile lit up the room.

Later that day, he could not let me leave without first telling me a funny story. I do not recall which ones he told me that day, but undoubtedly it included one of his classic one-liners, like:

Did you hear the one about the Newfoundland obituary which listed the children of the deceased as "two sons living and one in Toronto"?

Uncle Al once said that "Laughter, after all, is good for the soul." By sharing his remarkable gifts for storytelling and humour, Uncle Al touched many a soul and shared his goodness with us all. We are grateful for his wonderful life and that, through his many books and recordings, he will continue to make us laugh for generations to come.

[Translation]

MICROCREDIT

Hon. Madeleine Plamondon: Honourable senators, I would like to draw your attention to the problem of credit as it affects the least advantaged members of Canadian society. These people are currently unable to access the regular credit channels, so parallel credit has gained ground. There are several types of non-traditional credit and, although methods have changed, the weakest among us still pay the price.

To get around the law, for instance, such things happen as I read about in yesterday's *Le Devoir*. The customer takes a pile of CDs to the pawn shop. They are worth \$100, but the pawnbroker buys them for \$25. They agree that the customer can redeem them after a month for \$40. The result: 700 per cent interest.

Honourable senators, if the pawnshop industry has lost ground only in Quebec, it is because it is prohibited in Quebec to charge for cashing a government cheque, but not in the rest of the country. One million Canadians make use of pawnbroker or payroll loans, according to *Mes Finances — Ma Caisse*. Why do they not complain? Because they need this parallel credit system.

This issue has also been addressed by the newspaper *Le Monde*. It reports that the World Savings Bank Institute, an international organization with 1150 financial institution members in 89 countries, has released an interesting study. In most of the developing countries, only 20 per cent of the population has access to financial services. In the developed countries, an average of 10 per cent of the population are in a similar situation. Since commercial banking institutions are interested in the most cost-effective customer groups, people living in disadvantaged areas are also excluded. In Quebec, the Desjardins Group has started up a self-help fund, in conjunction with certain community groups that provide budgeting advice. The average loan made is \$548, and 92 per cent of people pay back their loans.

• (1440)

Honourable senators, 2005 will be the International Year of Microcredit. The World Savings Banks Institute decided last Wednesday to adopt a resolution to facilitate access to financial services for everyone. Canada must get involved. This is a critical challenge, and a prerequisite for balanced socio-economic development throughout the world.

ROUTINE PROCEEDINGS

PUBLIC ACCOUNTS OF CANADA

ERRATUM TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table in both official languages an Erratum to the Public Accounts of Canada for the fiscal year ending March 31, 2004.

[English]

STATISTICS ACT

BILL TO AMEND—FIRST READING

Hon. Bill Rompkey (Deputy Leader of the Government) presented Bill S-18, to amend the Statistics Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read a second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

Hon. Eymard G. Corbin: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Official Languages be authorized to study and to report from time to time on the application of the *Official Languages Act* and of the regulations and directives made under it, within those institutions subject to the Act;

That the Committee be authorized to study the reports and papers produced by the Minister Responsible for Official Languages, the President of Treasury Board, the Minister of Canadian Heritage and the Commissioner of Official Languages as well as any other material concerning official languages generally;

That papers and evidence received and taken during the second and third sessions of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report to the Senate no later than June 15, 2005.

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXAMINE NON-DEROGATION CLAUSES RELATING TO EXISTING ABORIGINAL AND TREATY RIGHTS OF ABORIGINAL PEOPLES

Honourable Lise Bacon: Honourable senators, I give notice that at the next sitting of the Senate, I will move,

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the implications of including, in legislation, non-derogation clauses relating to existing Aboriginal and treaty rights of the Aboriginal peoples of Canada under s.35 of the *Constitution Act, 1982*;

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-Seventh Parliament be referred to the Committee; and

That the Committee present its report to the Senate no later than October 31, 2005.

[English]

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

Hon. Michael A. Meighen: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence be authorized to undertake a study on:

- (a) the services and benefits provided to veterans in recognition of their services to Canada, in particular examining:
 - access to priority beds for veterans in community hospitals;
 - availability of alternative housing and enhanced home care;
 - standardization of services throughout Canada;
 - monitoring and accreditation of long term care facilities;

(b) the commemorative activities undertaken by the Department of Veterans Affairs to keep alive for all Canadians the memory of the veterans achievements and sacrifices; and

(c) the need for an updated Veterans Charter to outline the right to preventative care, family support, treatment and re-establishment benefits;

That the papers and evidence received and taken during the Third Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report to the Senate from time to time, no later than June 30, 2005.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to invite from time to time the President of Treasury Board, the President of the Public Service Commission, their officials, as well as other witnesses to appear before the Committee for the purpose of examining cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met; and

That the Committee continue to monitor developments on the subject and submit a final report to the Senate no later than December 23, 2005.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon Canada's international obligations in regards to the rights and freedoms of children.

In particular, the Committee shall be authorized to examine:

- Our obligations under the United Nations Convention on the Rights of the Child; and
- Whether Canada's legislation as it applies to children meets our obligations under this Convention.

That the Committee present its final report to the Senate no later than March 22, 2005, and that the Committee retain until April 30, 2005 all powers necessary to publicize its findings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATED TO NATIONAL AND INTERNATIONAL OBLIGATIONS

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations; and

That the papers and evidence received and taken on the subject during the First, Second and Third Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee submit its final report to the Senate no later than December 23, 2005, and that the Committee retain until January 31, 2006 all powers necessary to publicize its findings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY OF LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to invite the Minister of Indian and Northern Affairs to appear with his officials before the Committee for the purpose of updating the members of the Committee on actions taken concerning the recommendations contained in the Committee's report entitled "A Hard Bed to Lie In: Matrimonial Real Property on Reserve", tabled in the Senate November 4, 2003; and

That the Committee continue to monitor developments on the subject and submit a final report to the Senate no later than March 31, 2005.

[Translation]

INVISIBLE RIBBON CAMPAIGN 2004

NOTICE OF INQUIRY

Honourable Lucie Pépin: Honourable senators, I give notice that on Thursday, November 2, 2004,

I will call the attention of the Senate to the 2004 Invisible Ribbon Campaign.

• (1450)

[English]

QUESTION PERIOD

FINANCE

NEWFOUNDLAND AND LABRADOR— NEGOTIATIONS ON OFFSHORE OIL RESOURCES

Hon. Ethel Cochrane: Honourable senators, last week, Newfoundland and Labrador Premier Danny Williams publicly declared that he and Premier Hamm of Nova Scotia were ready and willing to fly to Ottawa at a moment's notice to finalize the deal the Prime Minister made to him in June.

While Nova Scotia's representatives were invited to meet with the federal officials in Ottawa on Monday, Newfoundland and Labrador's representatives received no such invitation. In fact, it was not until yesterday afternoon that Minister Goodale even called his provincial counterpart to make plans to start talking again.

My question is for the Leader of the Government in the Senate. Minister Goodale said in the other place that whatever arrangement is arrived at for one province will be offered in absolute comparable terms to the other province. Why, then, did the federal government not invite representatives of the two provinces back to the bargaining table together? What was the reason for the delay in bringing Newfoundland and Labrador back to the table?

Hon. Jack Austin (Leader of the Government): Honourable senators, at this moment I have no idea what the answer to the question is, but I will make inquiries.

Senator Cochrane: Can the Leader of the Government tell honourable senators whether officials from my province will be joining the talks that are already underway between the federal government and Nova Scotia, or will discussions with the two provinces continue to be held in isolation?

Senator Austin: I must give the same answer to what is virtually the same question. I will make inquiries.

COPYRIGHT BOARD

TARIFF INCREASES INVOLVING MUSICAL WORKS

Hon. David Tkachuk: Honourable senators, on March 24 of this year the Copyright Board of Canada approved rate increases for copyright tariffs for different categories of publicly performed music. One affected category was that of karaoke bars in similar establishments across Canada. The increases are retroactive to 1998. That is six years ago. A bill from SOCAN, the Society of Composers, Authors and Music Publishers of Canada, has been mailed to each establishment, which includes a rate revision that the proprietors of these small businesses did not even know had taken place.

My question is for the Leader of the Government in the Senate. On what principle does the Copyright Board base its decision to impose retroactive fees on Canadian small business?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will have to look into the matter raised by Senator Tkachuk and report back.

Senator Tkachuk: In its written decision approving the tariff hikes, the Copyright Board acknowledged that this particular category, karaoke bars, was subject to some "relatively large increases." It is not unreasonable for owners of establishments which are subject to large arbitrary increases to expect notification, other than just receiving a bill in the mail one day. This seems similar to the incident last year when dentists were unexpectedly told by SOCAN that they had to start paying fees to play CDs or radios in their offices.

Could the Leader of the Government in the Senate tell us what kind of notification was given to this particular industry of the March 24 increase?

Senator Austin: Honourable senators, these types of questions would usually be written questions. However, I will treat them as such and get an answer back to Senator Tkachuk.

Senator Tkachuk: I will ask one more. It seems a decision was made a short time before the election to court favour in the entertainment business.

Would the Leader of the Government inform the Senate when SOCAN asked the Copyright Board to increase the tariffs; and did SOCAN buy any tickets for Liberal fundraisers during 2003-04?

Senator Austin: Honourable senators, I will again make inquiries with respect to questions seeking factual answers.

FOREIGN AFFAIRS

FINANCIAL COMMITMENT TO GLOBAL FUND FOR HIV-AIDS— INVOLVEMENT OF LEAD SINGER OF ROCK GROUP U2

Hon. Jack Austin (Leader of the Government): While I am on my feet, I would inform Senator Tkachuk that I have made inquiries regarding whether expenses were paid by the government with respect to the visit of Bono. I would advise that Bono paid his own expenses.

HEALTH

REVIEW OF ANTI-INFLAMMATORY DRUGS

Hon. Wilbert J. Keon: My question is for the Leader of the Government in the Senate regarding drug reviews.

Honourable senators, Health Canada has announced that it has requested worldwide data on two anti-inflammatory drugs, Celebrex and Movicox, in order to review their safety. These medications are in the same class of drugs as Vioxx, the arthritis drug that was subject to voluntary recall last month. Clinical trial data has shown that patients taking Vioxx have doubled their risk of strokes and heart attacks.

The European Medicines Agency has also recently stated that, as a precautionary measure, it will review all the newly available data on drugs in the same class as Vioxx.

Could the Leader of the Government in the Senate tell us whether Health Canada has a time frame to report to Canadians on the findings of its review? Will Health Canada extend its review to cover all drugs in the Cox-2 inhibitor class?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will, of course, make inquiries and report back to Senator Keon.

Senator Keon: Honourable senators, I noticed in the delayed answer that the leader gave me on Vioxx he has answered the question, so I will leave it be.

JUSTICE

NATIONAL SECURITY—LISTING OF AL-TAWHID WAL JIHAD AS TERRORIST GROUP

Hon. J. Michael Forrestall: Honourable senators, I trust my question does not require to be posed in written form. This is the fourth time that I have raised this matter. Given the possible extremely serious outcome of events that may take place tomorrow and again on Thursday, my question is about the Al-Tawhid Wal Jihad that has been in operation since 2003, during which time they have reportedly killed more than 1,000 people.

Their leader, Abu Musab al-Zarqawi has experimented, by all accounts, with both biological and chemical weapons. He also routinely beheads prisoners, as we have seen on tape, most recently a 24-year-old Japanese backpacker.

Would the Leader of the Government in the Senate tell us now whether or not the government has had an opportunity — and I am certain that it has — to review this matter and give serious consideration to the banning of this organization under Part II.1 of the Criminal Code of Canada?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have the answer in the form of a delayed answer, but since Senator Forrestall has raised the matter again today, perhaps, if Senator Forrestall agrees, I could read the answer into the *Debates of the Senate*. He may have a supplementary question.

Senator Forrestall: That is fine. Thank you.

Senator Austin: The answer given is as follows: Since the tragic events of September 11, 2001, the Government of Canada has taken many decisive steps to address the global threat posed by terrorism and those who finance terrorist activity. These steps continue on a daily basis.

The listing of entities is but one of these efforts. Under the various listing mechanisms currently being used in Canada, a total of 483 entities are listed with orders to freeze any funds belonging to such entities. The three mechanisms are the United Nations Afghanistan Regulations, the United Nations Suppression of Terrorism Regulations and the Criminal Code.

On October 18, 2004 pursuant to United Nations Resolution 1333, Canada listed Jama'at Al-Tawhid Wal Jihad, which I will refer to, with your permission, as JTJ, under United Nations' Suppression of Terrorism Regulations, and the appropriate freezing orders to all financial institutions were made on that day. This action can be found on the Web site of the Office of the Superintendent of Financial Institutions.

JTJ was first listed by the United Nations Security Council on October 18, 2004, pursuant to UN Resolution 1333 for being associated with Osama bin Laden and his associates. Actions of this nature by the UN are automatically incorporated into Canadian law by virtue of Canada being a member state of the United Nations. Concerning the Criminal Code, there are currently 35 entities on the list, and the assessment process for other possible listings of those who support terrorism continues.

• (1500)

Listing under the Criminal Code has serious implications and is exercised with strict controls, based on clear and appropriate information gathered by security and law enforcement agencies. A listed entity's assets are frozen and can be the subject of seizure, restraint and forfeiture. As such, we must ensure that the decision to list an entity fully meets the stringent test established by Parliament through a process that is thorough and deliberate.

As a result of the amendments to the Criminal Code introduced by the Anti-terrorism Act in 2001, regardless of whether a terrorist group is listed or not, terrorist activities are defined in the Criminal Code and it is a crime to knowingly participate in or contribute to the activities of a terrorist group.

In addition, any indictable offence under any act of Parliament that is done —

Senator Stratton: Point of order.

The Hon. the Speaker: Honourable senators, a senator has risen on a point of order. However, we do not hear points of order until we come to Orders of the Day. I take note of Senator Stratton's request, and I will see him at the appropriate time.

Senator Austin: As I was saying, honourable senators, in addition, any indictable offence under any act of Parliament that is done for the benefit of, at the direction of, or in association with a terrorist group, carries a maximum sentence of life imprisonment. Furthermore, an offender convicted of any indictable offence that is also a terrorist activity would be liable to life imprisonment.

Honourable senators, I asked Senator Forrestall for his permission to read this answer into the record, and no objection was heard from anyone on the other side when he said yes.

Senator Forrestall: Honourable senators, I appreciate the government leader's reply, but, of course, that reply is a proper response to the first question I directed to him some two weeks ago.

In light of threats to behead a woman and several others not later than tomorrow or Thursday, has the government taken note of that and made any concrete effort to have Al-Tawhid Wal Jihad banned? I would remind the Leader of the Government in the Senate that by the simple initiative of changing their name to al-Qaeda, they evade some of the very points the minister has just made to us.

The United States has now moved to have the matter put back on the agenda of the Security Council of the United Nations. Would we not signify, in this small way, Canada's real concern about terrorism in the world and ban these two organizations from any activity whatsoever in this country and make illegal any association with them, not simply the contribution of funds?

Senator Austin: Honourable senators, I think my answer included the designation of the organization JTJ as a criminal organization.

Senator Forrestall: Honourable senators, I will not pursue it, but of course that pertains to events that happened some time ago, not to what is about to happen this week. Nothing happened up until now with this sense of urgency. Under the name of al-Qaeda, events are taking place that are very sad in a modern world. I wish the government would stand up for Canada and say that we have no room for this in our country.

Senator Austin: Honourable senators, the taking of hostages is an abominable act, one that, of course, Canada and any civilized person deplores. To the extent that Canada has any influence over that situation, we are, of course, there as part of the United Nations and its efforts.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

CANADA FIREARMS CENTRE— ANNUAL BUDGET 2005-06

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate. According to Deputy Prime Minister McLellan, the main goal of the Canada Firearms Centre is public safety. It would appear that no one has told the centre that, because next year the Canada Firearms Centre will spend zero dollars on gun safety education. At the same time, the centre will spend \$876,000 on salaries and communications and client services branch, and an additional \$1.9 million on travel, conferences, hospitality, professional services, and communications and client services branch. That is right — zero dollars for gun safety education and \$3 million for communications, conferences and hospitality.

Honourable senators, can the government leader tell us why it is cutting the education courses when the minister himself stated that the main goal of the whole program is public safety?

Hon. Jack Austin (Leader of the Government): Honourable senators, I, too, saw that news story and I have already initiated inquiries.

Senator St. Germain: Honourable senators, apparently the Canada Firearms Centre has transferred its safety education responsibility to the licensing directorate. In that directorate, only

one person is assigned to safety provisions, and the job of that person is to liaise between the Canada Firearms Centre and the groups that provide gun safety courses for licensing. Where is the public safety that the centre is supposed to be providing? If it is not providing public safety, its main goal, why is it continuing to exist at a cost of close to \$120 million to Canadian taxpayers this year?

Senator Austin: Honourable senators, I can only treat that as a supplementary to the first question and answer it as part of the same inquiry.

FIREARMS REGISTRATION PROGRAM— NET COST OF PROGRAM—DISCREPANCY IN FIGURES ANNOUNCED BY MINISTER

Hon. Gerry St. Germain: Honourable senators, a few days ago, I asked the Leader of the Government in the Senate the reason for the discrepancy in the figures stated by the current Deputy Prime Minister. Before the election, she said that the cost would be around \$25 million, yet the actual cost of running the centre will be \$120 million. The Leader of the Government in the Senate has still not responded to that. Does he have a response to that question that I asked about a week and a half ago?

Hon. Jack Austin (Leader of the Government): Honourable senators, of course, and I thank the honourable senator for coming back to that question.

I believe that the question, as originally put, combined various aspects of the firearms program. Minister McLellan has made clear in her statements that the registry cost for this year will be \$33 million and that the whole program with respect to gun control will come in at about \$100 million. Next year, the operation of the firearms registry will come in at under \$25 million, and we expect the total cost will be reduced to \$85 million.

NATIONAL FINANCE

FIREARMS REGISTRATION PROGRAM— NET COST OF PROGRAM—POSSIBLE CHANGE BY COMMITTEE TO ANNUAL BUDGET

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I wonder whether the Leader of the Government in the Senate would lend his support and garner that of his colleagues to a specific examination by the Senate's National Finance Committee of the items that have been raised by Senator St. Germain. Would the government leader support a decision of the National Finance Committee to change that budget, so that all the money is not being spent on travel and communications and that some money will be spent on public education? Would he support that decision by the National Finance Committee of the Senate?

Hon. Jack Austin (Leader of the Government): Honourable senators, before answering Senator Kinsella I need to know a good deal more about the answers to the questions Senator St. Germain has asked, as reported in the media.

Senator Kinsella: Would the honourable leader agree with me that our Standing Senate Committee on National Finance should look into this?

Senator Austin: I will agree that they have the power and authority to look into it.

• (1510)

FINANCE

EQUALIZATION PROGRAM—
OFFSHORE OIL RESOURCES—NEGOTIATIONS
WITH NEWFOUNDLAND AND LABRADOR

Hon. Lowell Murray: Honourable senators, I should like to return to the question of the federal proposal to Newfoundland and Labrador regarding the revenues from offshore resources.

The proposal made by Mr. Goodale, the Minister of Finance, is subject to the provision that none of the additional payments would result in the fiscal capacity of Newfoundland and Labrador exceeding that of the Province of Ontario in any given year. Superficially that may look and sound like a reasonable proposition, but then ask yourselves, how is the fiscal capacity of Newfoundland and Labrador to be measured?

In the same letter from Mr. Goodale to Premier Williams, we find that the fiscal capacity of Newfoundland and Labrador is to be defined, first, from annual own-source revenues of the province as calculated under the equalization program prior to the application of the generic solution; second, payments received under the equalization program are to be defined as part of Newfoundland and Labrador's fiscal capacity; and, third, payments received under both the existing Canada-Newfoundland Atlantic Accord and the additional payments in respect of offshore revenues provided for under the approach outlined in this letter. All of this is to define the fiscal capacity of Newfoundland and Labrador.

What possible justification is there for throwing everything but the kitchen sink into the definition of Newfoundland and Labrador's fiscal capacity in such a way as to assure that Newfoundland and Labrador ostensibly will arrive at and surpass Ontario's fiscal capacity in the shortest possible time? This is not the way fiscal capacity of provinces is defined. The honourable minister knows that it is a representative tax system. They are really stacking the deck against Newfoundland and Labrador with this definition of fiscal capacity.

My honourable friend Senator Moore says, "And therefore Nova Scotia," and I thank him for that interjection.

The minister may not want to extemporize on this question at the moment, but I would ask him, as soon as he possibly can, to bring in a reasoned, written defence of this proposition from the Department of Finance so that we may understand what it is they are trying to do.

Hon. Jack Austin (Leader of the Government): I thank the Honourable Senator Murray for his comments, his representations and his suggestion. It is an extremely

complicated discussion, as the preamble to the question has outlined. The very issues my honourable friend is raising in the Senate are subject to discussions that are continuing at this moment. As senators recognize, there is not much merit in our engaging in this discussion at this very moment, but I do undertake to provide a fulsome response to the issues when the Minister of Finance is able to draw my attention to the various questions that are now under negotiation.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present four delayed answers to oral questions posed in the Senate, including an answer to questions of Senator Oliver on October 27, 2004, concerning the Auditor General, transfer of advance funds to foundations, accountability to Parliament; the answer to Senator Forrestall's question has already been read into the record; a delayed response to questions raised in the Senate on October 7 by Senator Keon, regarding British Columbia, outbreak of avian flu; and a fourth delayed answer to questions raised by Senator Keon on October 6, to which he has already alluded, regarding recall of the clinical drug Vioxx.

TREASURY BOARD

AUDITOR GENERAL—
TRANSFER OF ADVANCE FUNDS TO FOUNDATIONS—
ACCOUNTABILITY TO PARLIAMENT

(Response to question raised by Hon. Donald H. Oliver on October 27, 2004)

The Government is not ignoring the concerns expressed by the Auditor General. The Government takes her concerns seriously and has taken a number of measures to help address them.

Budget 2003 and Budget 2004 outlined the principles under which the Government would consider using foundations including that they would: focus on a specific area of public policy; harness the insight and decision-making ability of independent boards of directors; make decisions using expert peer review; be provided guaranteed funding that goes beyond annual appropriations to provide them financial stability essential for medium and long-term planning; and, have the opportunity to lever funds for other governments and the private sector. Many of these foundations operate in the areas of innovation, research, and federal/provincial/territorial initiatives in health and education where strategic investments are necessary.

In addition, the 2003 and 2004 budgets outlined measures that included strengthened funding agreements for these grants that require: plans, both compliance and financial statement audits, independent evaluations, prudent investment strategies, and better default provisions to enable the recovery of unspent federal assistance should things go wrong. These commitments were on a go forward basis but the Government also undertook to approach existing foundations with a view to incorporating these provisions in their funding agreements.

Legislatively created foundations, whose governance and accountability requirements are included in legislation, are required to table their annual reports in Parliament. In addition, Ministers are required to include in their Annual Reports on Plans and Priorities as well as their Departmental Performance Reports the significant plans and results of foundations. As such, Ministers are accountable to ensure these arrangements are managed in accordance with the terms and conditions approved by Treasury Board and to report to Parliament.

It should be noted that members of a number of the foundations have appeared before parliamentary committees over the last few years.

In her Observations on the financial statements of the Government included in Public Accounts 2004, the Auditor General noted that she planned to examine and report on the accountability regime for foundations. She also noted that she was encouraged by the Budget commitments and that she was reviewing the accounting treatment with the Government based on a new accounting standard of the Canadian Institute of Chartered Accountants - Public Sector Accounting Board.

The Auditor General has not yet commented on the extent to which the Budget commitments have been implemented in existing funding agreements. On this point, over the last couple of years, the Government was successful in strengthening the majority of these agreements. The President of the Treasury Board reported a summary of the progress to the Public Accounts Committee. The current President of the Treasury Board intends to provide an update this year and would be pleased to provide a copy to the Senate as well.

The accountability, auditing and accounting arrangements are very similar to what exists for other not-for-profit organizations that receive federal transfer payments. The biggest difference in these arrangements is that the strategic funding is provided upfront. As noted in Budget 2003, compliance audits can be undertaken by the government's internal auditors, external auditors or, at the discretion of the Minister, the Auditor General.

We will continue to actively review with the Auditor General further measures we can take to address her concerns, while at the same time respecting the independent nature of these not-for profit organizations.

HEALTH

BRITISH COLUMBIA—OUTBREAK OF AVIAN FLU— RESPONSE PROCEDURES—REQUEST FOR INQUIRY

(Response to question raised by Hon. Wilbert J. Keon on October 7, 2004)

The avian influenza outbreak in British Columbia was a significant event from both the animal and human perspectives and with continuing issues involving poultry

and potential pandemic strain viruses in Asia, there was a need to capture any lessons learned from our recent Canadian experience as soon as possible.

The Public Health Agency of Canada (PHAC)/Health Canada is currently conducting an internal review of their response during the avian influenza outbreak in BC. There are also on-going collaborations between PHAC/Health Canada and the Canadian Food Inspection Agency (CFIA) in reviewing the animal and human health aspects to the outbreak response.

On September 23-24, the CFIA and Health Canada co-hosted a meeting in Burnaby, B.C. where participants from the various organizations/agencies and various levels of government (federal, provincial, regional, local) involved in both the animal and the human health response shared their perceptions of what worked well and what required improvement. A number of recommendations were made on different aspects of the management of the outbreaks such as leadership, intelligence and information management, processes and protocols, communications and linkages, and capacity. Each participating organization/agency is now looking at ways to implement these recommendations within their own structure.

The PHAC will also be participating in the Industry/CFIA/the BC Ministry of Agriculture Food and Fisheries (BCMAFF) meeting that will be held October 27-28 in Vancouver. Discussions will include looking at ways to improve the sharing of information across the human and animal health interface and ways to enhance existing collaborations during emerging zoonotic disease outbreaks.

RECALL OF CLINICAL DRUG VIOXX

(Response to question raised by Hon. Wilbert J. Keon on October 6, 2004)

RESPONSE (part 1)

Health Canada is aware of long-standing concerns over the cardiovascular safety of Vioxx and other drugs in the same class. Past studies have not supported a clear conclusion or scientific consensus on this issue.

According to Merck Frosst Canada & Co. their recent clinical trial, directly examining the long-term cardiovascular impact of Vioxx compared to placebo, provides cause for the withdrawal of Vioxx. The trial data have not yet been made available to Health Canada.

Health Canada continues to closely monitor other COX-2 non-steroidal anti-inflammatory drugs for similar side effects, and is requesting a further update on cardiovascular safety information from the manufacturers.

Health Canada is committed to working with stakeholders, including industry, to move towards greater clinical trial disclosure while respecting privacy and commercial confidentiality concerns.

RESPONSE (part 2)

At present, Health Canada is reviewing the issues associated with public disclosure of clinical trial information and results. This includes conducting international comparisons of what other regulatory authorities and health research funding agencies are doing, as well as policy and legal analysis of trade obligations. To date, no regulatory authorities internationally compel and enforce clinical trial sponsors to disclose information and results.

The department is also assessing what international organizations are doing in terms of standards for registries of clinical trial information, including the International Committee of Medical Journal Editors and the World Health Organization, and voluntary action by industry, industry associations, health research funding agencies and research institutions, and others.

Health Canada is also engaging stakeholders on this issue, including industry and industry associations, patient groups, health care providers and research institutions. This work is being conducted in cooperation with the Canadian Institutes of Health Research, Department of Justice, Industry Canada and other government departments.

Except for legitimate and compelling reasons of privacy or business confidentiality, Health Canada supports increased disclosure.

BUSINESS OF THE SENATE

The Hon. the Speaker: Before proceeding with the Orders of the Day, does Senator Stratton wish to raise a point of order?

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I would like to withdraw my objection and simply say it is a sad commentary on Question Period that we have been reduced to obfuscation and bureaucratese.

[Translation]

ORDERS OF THE DAY**TAX CONVENTIONS IMPLEMENTATION BILL 2004****SECOND READING—DEBATE ADJOURNED**

Hon. Mac Harb moved the second reading of Bill S-17, to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion.

He said: Honourable senators, I welcome this opportunity today to speak at second reading stage of Bill S-17, to implement certain tax conventions.

This bill provides for the implementation of four new tax conventions Canada recently signed with Gabon, Armenia, the Sultanate of Oman and Azerbaijan. It also provides for the implementation of a new tax convention with Ireland designed to replace a convention that is still in effect.

Honourable senators, the tax conventions in this bill have two main objectives: first, to avoid double taxation and, second, to prevent income tax evasion. I will get into the details of how important these objectives are. But before discussing the particulars of the bill, allow me to emphasize a few general points about the nature of tax conventions.

First, honourable senators, I want to point out that Bill S-17 is routine legislation. Like their predecessors, the tax conventions in this bill draw heavily from the OECD Model Tax Convention, which is accepted by most countries around the world. The provisions of these specific conventions fully comply with the applicable international standards. Let us now place this bill in perspective.

[English]

In 1971, the Government of Canada undertook a thorough review and overhaul of Canada's tax system, which involved, among other initiatives, the expansion of our network of tax treaties with other countries — a goal the government has worked hard to achieve, and with a great deal of success, I might add.

At present, Canada has tax treaties in place with 83 countries, a number that will increase to 87 when the treaties in this bill come into force. Bill S-17 is the twenty-sixth tax treaty bill to be introduced in Parliament since 1976. In the past three years alone, Canada has signed treaties or amending protocols with an additional 14 countries.

Honourable senators, the government undertook this review because tax treaties are crucial in supporting two mutually reinforcing pillars of government policy: tax fairness and the promotion of trade and investment. I say that these are mutually reinforcing goals because a fair tax system reinforces our social foundations and in doing so allows Canadians to more fully participate in building a competitive and dynamic 21st century economy. At the same time, the promotion of trade and investment fuels the economic growth that allows us to strengthen our economic infrastructure and meet our social justice objectives.

The government's approach to tax reform has been anchored in the fiscal discipline that is the basis for so much of Canada's success over the past decade. As noted in the recent Speech from the Throne, a virtuous circle, driven by responsible financial management, has led to increased confidence in the Canadian economy, lower interest rates and the robust growth of well-paying jobs and economic output. These fundamental improvements have led to an increase in revenues and the recovery of our fiscal sovereignty, which in turn have permitted the Government of Canada to reduce and improve the fairness of taxes and make new social and economic investments that contribute to improving the quality of life of all Canadians.

• (1520)

While broad-based tax relief focused first on those who need it most, specifically low- and middle-income families with children, the government also took actions on the tax front that reinforce and complete the virtuous circle by establishing the conditions necessary for economic growth and job creation. Specifically, these tax reforms were geared toward improving incentives to work, save and invest; supporting entrepreneurship and small business; and fostering the creation and expansion of dynamic firms that can take on the world.

Honourable senators, tax treaties are important part of this overall approach to improve the tax system and are an integral element in the balanced mix of initiatives the government has introduced to improve the standard of living of Canadians. That is because they directly affect the international trade in goods and services and therefore directly impact on Canada's domestic economic performance. Their impact is significant. Over 40 per cent of Canada's annual gross domestic product can be attributed to exports. Moreover, Canada's economic wealth each year depends on foreign direct investment, as well as inflows of information, capital, technology, royalties, dividends and interest.

The tax treaties contained in Bill S-17 will benefit Canadian businesses and individuals with operations and investments in the five countries covered by this proposed legislation. First, taxpayers will know that a treaty rate of taxation cannot be increased without substantial advance notice. Second, the mere existence of these treaties will foster an atmosphere of certainty and stability for investors and traders that will only enhance Canada's economic relationship with each country. Third, annoyance and complexity in the operation of the tax system will be reduced because the need to pay tax on certain business profit, where there is no substantial presence in the other countries, will be eliminated and a mechanism to settle problems encountered by taxpayers will be provided. Fourth, reducing the burden of this administrative compliance will encourage more international economic activity, which will have a favourable effect on the Canadian economy.

The new treaties will therefore provide individuals and businesses in Canada and in other signatory countries with more predictable and equitable tax results in their cross-border dealings. By eliminating tax impediments and by creating more predictable tax results for traders, investors and other taxpayers with foreign source income, our tax treaties will promote opportunities in international trade and investment at home and abroad.

Since Canada's economy is likely to become more intertwined in the world economy, eliminating administrative difficulties and unnecessary tax impediments with respect to cross-border dealings will remain an important priority of government.

I would like to return to the issue of tax fairness, and in doing so, I am returning to the primary objective of international tax treaties and conventions. I trust honourable senators would agree

in the name of fairness that no Canadians should ever find themselves subject to double taxation. I will similarly assume that honourable senators would find it unfair for those who owe taxes to not pay any taxes at all. As their full titles imply, this is exactly what tax treaties work to eliminate.

I will explain what I mean by double taxation. International double taxation arises as the result of the imposition of comparable taxes in two or more states, on the same taxable income, in the hands of the same person and for the same period of time. This overlap between taxation by the country where the income arises and taxation by the country where the taxpayer resides can have obvious adverse and unfair consequences to taxpayers. Tax treaties, such as those included in Bill S-17, prevent double taxation by establishing rules for clearly demarcating taxation jurisdictions according to the taxpayer's country of residence and the country where the income arises.

Honourable senators, the prevention of double taxation is so integral to the advancement of a fair and efficient economy that it deserves to be discussed in detail. Having income taxed twice when the taxpayer lives in one country and earns income in another country can be troubling unless relief from double taxation is offered by one country or the other. As I mentioned earlier, without a tax treaty both countries can claim taxes on income without providing the taxpayer with any measure of relief for the tax paid in the other country.

To alleviate the potential for this happening, a tax treaty between two countries allocates taxing authority with respect to a given item of income in one of three ways. First, the income may be taxable exclusively in the country where the income was generated; second, it may be taxable only in the country where the taxpayer resides; or third, it may be taxable by both the source country and the residence country, with relief from double taxation provided in some form. The treaties contained in this bill confer an exclusive right to tax with respect to a number of items. The treaty partner is thereby prevented from taxing those items and double taxation is avoided.

Administratively, when a country is granted the exclusive right to tax in accordance with its treaty privileges, the burden associated with filing tax returns in the jurisdiction of other treaty signatories is greatly reduced. For example, if a Canadian resident employed by a Canadian company is sent on a short-term assignment — say for three months — to any one of the five treaty countries proposed in Bill S-17, Canada has the exclusive right to tax that person's employment income. However, in the case of most items of income and capital, the right to tax is shared; although for certain kinds of income, such as dividends and interest, the amount of tax that may be imposed in the source state is limited.

Under any of the five tax treaties contained in the bill, where a shared right to tax an item of income of a taxpayer exists, there also exists an obligation on the part of the country in which the taxpayer is a resident to eliminate any double taxation.

Another method of reducing the potential for double taxation involves the reduction of withholding taxes. Withholding taxes are levied by countries on certain kinds of income paid to non-residents. Without a tax treaty or other legislated exemption, Canada taxes various categories of income paid to non-residents at the rate of 25 per cent. Most of Canada's trading partners impose a similar level of withholding tax.

Moreover, because the withholding tax does not provide for the deductibility of expenses incurred in generating the income, this tax is imposed on a gross, rather than on a net, amount. Thus, the taxpayer will be subject to an effective rate of tax that is significantly higher than the tax rate that would be applicable to net income in either the source or resident country.

To remedy this, Canada's network of tax treaties provides for several reciprocal withholding tax rate reductions that more accurately reflect the actual level of taxes owed. Normally, under treaty, the country where the income is generated can withhold tax, usually at the rate of 5, 10 or 15 per cent on dividend income, depending on the circumstances, and 10 per cent on interest and royalty income. In some instances royalties on copyrights, computer software, patents and know-how are exempt at source.

Honourable senators, overtaxation is clearly unfair and economically damaging, but tax evasion and avoidance are also unfair and economically damaging. The loss of revenue resulting from tax avoidance and evasion has the potential to adversely affect the efforts of governments in reaching important policy objectives and to place a disproportionate share of the tax burden on honest taxpayers.

• (1530)

This government recognizes that the best defence against international tax avoidance and evasion is through improved and expanded mechanisms for international cooperation and information sharing. Double taxation treaties like the one in Bill S-17 permit the exchange of information between revenue authorities and, in so doing, help them identify cases of malfeasance and act on them. Honourable senators, these treaties represent the foundation upon which international efforts to combat tax avoidance and evasion are built.

[Translation]

In conclusion, honourable senators, it is important to point out that the conventions referred to by Bill S-17 also address significant dangers, particularly those relating to capital gains, non-discrimination on the basis of taxpayer's nationality, and allowances and pensions to non-residents. Although time does not allow me to address those provisions in any detail, clearly Bill S-17 does not stir up any great controversy. In fact, this is a necessary bill.

Bill S-17 contains neither surprises nor contentious issues. Its advantages are obvious. The conventions it refers to will provide fair solutions to various taxation problems that exist between Canada and these five countries. These conventions will guarantee Canada's position in the increasingly competitive circle of international investment and trade, while ensuring that Canada's fiscal policy remains uniform internationally and that Canadians do not get hit by double taxation.

Honourable senators, for these reason, I propose that we pass this bill with no further ado.

On motion of Senator LeBreton, for Senator Lynch-Staunton, debate adjourned.

[English]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY AS AMENDED ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Chaput, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-eighth Parliament,

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that the following be added to the Address:

“and we urge Your Excellency's advisors, when implementing the details of their proposals, to review the Employment Insurance program to ensure that it remains well-suited to the needs of Canada's workforce, to reduce and improve the fairness of taxes, to be unwavering in the application of fiscal discipline, to examine the need and options for reform of our democratic institutions, including electoral reform, and to rise above partisanship to address the public interest;

That Your Excellency's advisors consider the advisability of the following:

1. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend measures that would ensure that all future uses of the employment insurance program would only be for the benefit of workers and not for any other purpose;

2. opportunities to further reduce the tax burden on low and modest income families consistent with the government's overall commitment to balanced budgets and sound fiscal management;

3. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to make recommendations relating to the provisions of independent fiscal forecasting advice for parliamentarians including the consideration of the recommendations of the external expert;

4. an Order of Reference to the appropriate committee of each House of Parliament instructing the committee to recommend a process that engages citizens and parliamentarians in an examination of our electoral system with a review of all options;

5. with respect to an agreement on ballistic missile defence, the assurance that Parliament will have an opportunity to consider all public information pertaining to the agreement and to vote prior to a government decision;

And we ask Your Excellency's advisors to ensure that all measures brought forward to implement the Speech from the Throne, including those referred to above, fully respect the provinces' areas of jurisdiction and that the financial pressures some call the fiscal imbalance be alleviated."—(8th day of resuming debate)

Hon. Jack Austin (Leader of the Government): Honourable senators, the debate on the motion for an address to Her Excellency the Governor General in the debate on the reply to her Speech from the Throne is one of the most valuable to senators as the subject matter of the debate is not limited. Senators can express their views on a range of topics from philosophy to issues in our communities.

I plan to take full advantage of this freedom to address a number of topics I believe to be of importance to Canadians, and to me as a member of this chamber.

To begin with, however, I want to follow long custom by offering my congratulations to the Speaker of the Senate on his continuance in his high office. He has discharged his responsibilities with balance and fairness and holds the esteem of the Senate.

To the mover of the Address in reply motion, Senator Munson, and to the seconder, Senator Chaput, I express thanks and congratulations. In your short time in the Senate, you both have distinguished yourselves as ardent on behalf of your communities, and as leaders in representing them.

To the new Leader of the Official Opposition, Senator Kinsella, I offer congratulations and good wishes as he undertakes one of the most senior roles in Parliament. Senator Kinsella is an experienced public servant and parliamentarian. He is also an educator, academic and scholar. We on the government side look forward to his continued cooperation in building the capacity and credibility of the Senate as a parliamentary institution.

We also recognize there may, at times, be a diminishment in cooperation when partisan considerations intrude. Such was certainly the case with respect to Senator Stratton's inaccurate and unfair comment at the end of Question Period today.

Senator Lynch-Staunton is owed a debt of gratitude by this chamber for his years of dedicated service to Canada, to the Senate and Parliament, and to the democratic political party

system. Senator Lynch-Staunton was summoned to the Senate on September 23, 1990. He served as Deputy Leader of the Government from September 1991 to October 1993, and as Leader of the Opposition for virtually 11 years, October 1993 to the end of September 2004. Senator Lynch-Staunton is the grandson of Senator George Lynch-Staunton, who served in the Senate as a Conservative until 1940. Senator John Lynch-Staunton has been dedicated to making the work of Parliament more relevant, effective and better known by the Canadian public. He has strongly advanced the institutional role of the Senate in our bicameral system and, on behalf of the government side, I wish to thank him for his service.

The Speech from the Throne shows the way ahead for Canadians. It is a direction Canadians, by their choices in the June 28 election just past, have themselves decided to take. Canadians want government and Parliament to deal with too long-postponed issues in the social agenda of Canada.

The long and difficult years of mounting deficits, greater debt, job loss and per capita earning decline were tackled by the Chrétien government and by the then-finance minister, now Prime Minister Paul Martin. The result today is a growing economy across Canada, seven budgetary surpluses in a row, a diminished debt to GDP ratio, substantial job growth, and a more innovative and productive society. Canadians paid a severe price in getting our fiscal affairs in order and they now deserve to reap the benefits.

The Speech from the Throne makes clear the decision of Canadians to maintain their fiscal prudence. Canadians do not want to finance their prosperity on the backs of future generations by going further into debt. On the basis of a balanced and growing national economy, Canadians want to tackle growing social issues, the solution to which will assure a healthy, educated and productive society.

The Liberal government of Prime Minister Paul Martin made clear its priorities throughout the election. They were: a growing economy without accumulating national debt; improvements to the national health care system, including the reduction of waiting times; a new child care package that would reach to pre-school early learning and support of children's educational and human needs throughout childhood — and we need to pay careful attention to the recent OECD comments on the deficiencies in the quality of education and care for children in Canada; a new deal for the cities and municipalities of Canada whose infrastructure and sustainable development have been retarded by the lack of necessary funds; a fresh start for the government and the Aboriginal nations of Canada, beginning with a commitment to a partnership in dialogue and focused on mutual development of health care, education and housing policies as well as financial, commercial and governance capacity building; and a new look at Canada in the global community — where are our interests and what is our most effective role in international relations, defence policy and development strategies? How should we shape our relations with the United States, with Europe, Japan, China, India, Brazil, Russia and other nations? How can we best support the United Nations and assist in directing it to a more effective role in global affairs?

Honourable senators, these are but a few of the many issues that present themselves for attention. No Speech from the Throne can or should be a checklist of issues. However, we do expect from the Speech from the Throne the themes and directions of an evolving agenda for Canadians.

In the minority government situation in the other place, it is not the government alone that sets the agenda for Parliament. We have seen negotiations among the political parties in the House of Commons that have led them to amend wording in the Address in reply to the Speech from the Throne. The changes were agreed to unanimously by all members of the other place.

Senator Kinsella, on October 19, introduced the same amendments in the Senate and asks us to concur in the actions of the House of Commons so as to present to the Governor General a uniform parliamentary response.

Let us examine the proposed amendments. Do they contradict or carry us away from the themes and commitments in the Speech from the Throne? I think not.

The proposed amendments contain the following key points: a review of the Employment Insurance program to ensure that it remains well-suited to the needs of Canada's workforce; to review measures to reduce and improve tax fairness; to be unwavering in the application of fiscal discipline; to examine the needs and options for reform of our democratic institutions, including electoral reform; to rise above partisanship to address the public interest; an assurance that Parliament will have the opportunity to consider all public information pertaining to an agreement on ballistic missile defence and to have an opportunity to vote prior to a government decision; an assurance that measures brought forward to Parliament fully respect the provinces' areas of jurisdiction and that the financial pressures some call the fiscal imbalance be alleviated; and recommendations relating to the provision of independent fiscal forecasting for parliamentarians.

• (1540)

In my view, and in that of the government, these are constructive suggestions that do not derogate from the program of the government, but in some cases supplement that program and in others add to the program. Should this motion in amendment pass, the Senate will take constructive steps to analyze and better define these measures and others contained in the Speech from the Throne to better advise Her Excellency's advisers, to borrow the language of the motion in amendment.

I have no difficulty whatever in supporting the motion in amendment proposed by Senator Kinsella, seconded by Senator Stratton, and I encourage all honourable senators to do the same.

It is beyond the bounds of practicality to comment on all the many facets of the Speech from the Throne and its comprehensive program to advance Canadian society and the economy. There are, however, some features I want to comment on and with which I have had a particular association over many years past.

Forty-one years ago I became Executive Assistant to the Minister of Northern Affairs and National Resources, the Honourable Arthur Laing, later Senator Arthur Laing. That was my introduction to the life on the margins of Canadian society which was the reality for most Aboriginal peoples in Canada. Huge changes have taken place since then in the identity and mutual acceptance of Aboriginal and non-Aboriginal Canadians. It has not been easy and it has not been enough. The physical and health circumstances of the Aboriginal peoples is far better but still not at acceptable standards. The social and cultural conflicts of this generation in adapting to urban life have been costly to Aboriginal citizens and their families.

The throne speech commits this government to renewed efforts to share Canada's prosperity with the Aboriginal people. This government said in the Speech from the Throne in February 2004, beginning the final session of the Thirty-seventh Parliament:

...the conditions in far too many Aboriginal communities can only be described as shameful.

We also said that our objective was:

To see Aboriginal Canadians participating fully in national life, on the basis of historic rights and agreements — with greater economic self-reliance, a better quality of life.

Only a few months after this government took office, the Prime Minister and more than half the cabinet met in Ottawa on April 19, 2004, in a round table discussion with national and regional Aboriginal leaders. Many senators and members of the other House attended as discussion participants. By agreement with Aboriginal leaders, several areas were identified as critical to policy and program development. These were: health, education, skills development and training, economic opportunities, housing, achieving results, being accountable and negotiations. Since then, sectoral meetings have been held on education, on skills training and on health.

A sectoral meeting on negotiations will be held in January to examine and develop a framework for addressing Aboriginal and treaty rights consistent with section 35 of the Constitution Act, 1982. Critical to the success of this project is an agreement on the reconciliation of Aboriginal and treaty rights with the sovereignty of the Crown and the rights of other Canadians. That this dialogue is taking place in a renewed atmosphere of trust is a major advance on the past experience of both the Aboriginal and non-Aboriginal communities.

Another sectoral session will take place in January 2005 on accountability. At the round table meeting in April 2004, it was agreed to work together to develop an Aboriginal report card. This will involve an agreed-upon set of outcomes which, over time, would be publicly reported. It will focus both on the federal government's accountability to the Aboriginal communities as well as the Aboriginal leaders' accountability to their own communities and to the Canadian public.

In February 2004, the Speech from the Throne committed the government to work with First Nations to establish an independent centre for First Nations government. The centre is planned to promote dialogue that will lead to the design by First Nations of modern approaches to public government. Through study of methods of governance, the First Nations will develop suitable and practical steps to implement their inherent right to self-government. Funding has been provided to establish and operate this centre.

As is well known, the government has established a cabinet committee on Aboriginal affairs chaired by the Prime Minister. I am pleased to be a member. The purpose of the cabinet committee staffed by the Privy Council Office is to keep a constant focus by the government on the issues and on the implementation of the government's commitments.

The challenges facing Aboriginal Canadians are great, but they are not their challenges alone. They are the challenges of all Canadians. Without addressing the needs of Aboriginal Canadians, we will have failed to ensure that an important part of the Canadian community enjoys the quality of life we want for all of us.

Frankly, I believe the Senate of Canada is well equipped to address these and other issues relating to Aboriginal society. I expect we will become fully engaged in advancing the well-being of the Aboriginal peoples.

My own province of British Columbia now has more than 4 million inhabitants. *The Vancouver Sun*, in a feature story by Douglas Todd in the Saturday, October 4, 2004 edition, reported on a four-day brainstorming session by a diverse group of British Columbians focused on our future opportunities, challenges and directions. The question under consideration was: What should British Columbia look like 30 years from now?

There were no surprises in the wish list: the need for a resilient economy; the need to invest strategically for long-term wealth; a protected national environment; and fair distribution of both public and private growth. They also talked about the importance of architecture and urban design in liveable spaces and in transportation. They talked about a shared culture, special to the people of the province and even examined the mythologies that lie beneath our conscious nature. Clearly, we British Columbians have a deep commitment to our space and place.

Our B.C. society is a work in process. It is an amalgam of diverse Aboriginal peoples, diverse European peoples and diverse Asian peoples. B.C. is a place of convergence, and who knows where that will lead us.

The chief concern of the dialogue group was that the B.C. economy was still too centred on resource exploitation and needed to be much more based on the knowledge economy. For that to be realized, education was the top priority. British Columbia must be a place of educational excellence from pre-school to post-doctoral research. It must be a place for bold thinking and outreach into the world, and it must remain a beautiful home.

In the 1990s, British Columbia experienced a serious retraction in economic growth, resulting in have-not status under the federal equalization formula. In part, this was due to our reliance on the natural resource economy, which experienced a severe and prolonged low in the commodity cycle. Between 1997 and 2002, annual average personal disposable income was \$17,725. This was below the national average of \$18,611 and well below the Alberta average of \$20,866. The Alberta figure is always significant, as so many British Columbians are aware of the performance of our neighbouring province and judge our own progress by Alberta's standards. However, I am pleased to state that with the revival of the commodity cycle and other factors, the British Columbia economy is moving up. GDP growth for 2004 is projected at 3 per cent and forecast to grow in 2005 at 3.5 per cent. Confidence in the B.C. economy is now at its highest level in six years.

Our top industry is forestry, which provides 25 per cent of the provincial GDP and economic activity. Forestry also comprises half of all B.C. exports and generates over \$1 billion in provincial government revenue. Six hundred mills in 150 communities across B.C. provide 250,000 jobs. The United States market takes 65 per cent of B.C.'s lumber production and Japan buys an additional 15 per cent. It is for this reason that the softwood lumber dispute with the United States is of such importance to British Columbia.

Given the dependence of the British Columbia economy on the United States market, the long dispute with the lumber industry in the United States over their trade protectionism and claims of harm to their industry goes on and on and continues to damage B.C. interests and Canada-United States trade relations. The present trade dispute reaches back to 1983 and has been almost continuous in harassing the Canadian lumber industry, of which B.C. is the largest producer, manufacturing 50 per cent of lumber exports to the United States.

• (1550)

Canadians were naïve, perhaps, in believing that the free trade agreement of 1988 or the North American Free Trade Agreement of 1994 would assure free trade in lumber to the United States, whose domestic trade laws are calculated to provide trade barriers at every step. The United States lumber industry has as its goal a managed trade system in which U.S. production has the primary supply role and Canadian production supplies the deficiencies. They would like to continue the quota arrangement of a past agreement and ignore their trade obligations under the WTO and NAFTA.

In the present situation, Canada has won all of the major arguments under both WTO and NAFTA. No major threat of injury to the U.S. lumber producers has been found, and Canadians are entitled to total relief from countervail and dumping duties. Some \$3.6 billion in duties have been paid to the United States customs authorities that should be refunded to Canada, but the United States authorities continue to use illegal

arguments to block payment, claiming wrongly that there can only be prospective relief and not retroactive relief. In addition, a U.S. domestic law called the Byrd Amendment, found to be contrary to WTO trade law, authorizes the distribution of those funds to the U.S. lumber industry.

All of this is in the face of a NAFTA panel composed of three Americans and two Canadians that concluded in late August that the combined U.S. duty of 27.2 per cent on Canadian lumber violates U.S. law because there is no proof of harm. The U.S. Department of Commerce has started yet another procedure called an extraordinary challenge to delay and, if possible, overturn the decision. The present litigation has cost the Canadian industry over \$250 million in legal and other fees.

A famous U.S. Congressman, Tip O'Neill, once said that in the United States all politics is local. The Congress has the cards in international trade issues but governs its decisions not on law or greater U.S. trade interests but on local politics. Thus, a group of U.S. senators has clearly allied itself with their lumber industry, no matter what, to ignore NAFTA and WTO rulings altogether.

In the early 20th century, Canada and the United States had many differences over boundary waters. The United States took a position of entitlement with which Canada had reluctantly to agree. Sir Wilfrid Laurier, in 1909, speaking in Parliament about the Boundary Waters Treaty of that year, made clear Canada's reluctant agreement but said that Canada would demand the same rights of action as conceded to the United States. Perhaps that should be the guiding principle in the development of Canada's interests in the North American economy. Politics in Canada can be local too.

Turning even farther south, our relationship with Mexico has more importance to Canadians than most of us realize. This year marks the sixtieth anniversary of our exchange of diplomatic recognition. The first Canadian Ambassador to Mexico was Hugh Keenleyside, an eminent Canadian diplomat and British Columbian.

This is also the tenth anniversary of NAFTA. We should note that the North American Free Trade Agreement has created the world's largest free trade area, which today represents about one third of the world's total GDP at about US \$11 trillion. By comparison, the European Union, after adding all its 10 new members, has a GDP of around US \$8 trillion.

Turning to Mexico itself, I want to mention that 2004 also marks the thirtieth anniversary of the bilateral Seasonal Agricultural Workers Program, which, in 2003, brought over 10,000 Mexican workers to Canadian farms. Both Canada and Mexico are highly satisfied with this program.

In terms of trade, Mexico is Canada's fourth largest partner after the United States, China and Japan. In 2003, our two-way trade exceeded US \$13 billion and should pass US \$15 billion this year, over three times the trade in 1994. More than 1,000 Canadian companies are in business in Mexico.

Senator Stratton: Thanks to NAFTA.

Senator Austin: Both Canada and Mexico see it to their mutual advantage to combine their strengths to collaborate in North America and to compete in the rest of the world. For that reason, the President of Mexico and the Prime Minister of Canada announced in Ottawa on October 25, 2004, a number of bilateral agreements to strengthen our operating relationship, particularly in issues relating to North American trade and investment, education and cultural exchange.

In Ottawa on Monday, October 25, 2004, President Vicente Fox of Mexico gave a well-received joint address to senators and members of the House of Commons. Just before the visit of President Fox and seven of his cabinet ministers to Ottawa, a group of some 40 Canadian and Mexican business executives met at a weekend retreat to discuss building stronger ties between our two countries. I want to recognize the leadership of Senator Trevor Eyton, along with that of Laurent Beaudoin of Bombardier and Thomas d'Aquino of the Canadian Council of Chief Executives in fostering this bilateral relationship. I am certain that Canadians will see these reinvigorated ties to Mexico prove valuable to Canada in the months to come.

Honourable senators, for a British Columbian, the economic rise of Asia is part of our daily reality. It may be no less significant than the Canada-United States relationship in the next quarter century. Since 1984, Asia's share of world trade has risen from about 17 per cent to nearly 30 per cent today, according to the Asia Pacific Foundation of Canada. Since 1984, nearly 1 million immigrants from that region have entered Canada, bringing us much closer to that region in cultural diversity, skills and family networks. The 2001 census recorded 2.9 million Canadians of self-declared Asian origin, nearly 10 per cent of our population. While Asian Canadians make up 35 per cent of the population of Vancouver, Toronto has an even larger stake in Asia with a larger Asian population than Vancouver, making up 27 per cent of the Metropolitan Toronto population, namely, over 1 million people.

Measured by purchasing power, China, Japan and India, are the second, third and fourth largest economies in the world. On the basis of OECD numbers, China is the sixth largest world economy, ahead of Italy and Canada. At its present rate of growth, China will pass the U.K. and France by 2006. China's booming economy grew by 40 per cent in the last four years alone.

The story of Canada's declining role in what the *Financial Times* recently called "the economic event of our age, bringing two centuries of Euro-American domination to an end," can be summarized in some numbers contained in a speech made by Canada's international trade minister, the Honourable Jim Peterson, in Vancouver on Wednesday, October 13, 2004. He said that during the past four years, Japan's exports to China grew by 73 per cent, Australia's by 58 per cent, the U.S. by 52 per cent, and Canadian exports to China grew by only 17 per cent.

Canadian business risks falling permanently behind by its failure "to move aggressively to develop economic ties with India and China," said Minister Peterson. He went on to say:

Falling behind, not being aggressive in emerging markets, has repercussions for Canadian prosperity that will be felt everywhere, in our hospitals, schools, workplaces and communities.

Governments from Prime Minister Trudeau, who opened the present era with recognition of China in October 1970, to Prime Minister Mulroney, who led a trade mission in 1986, to Prime Minister Chrétien, who made a point of opening opportunities for Canadian business by travelling with business executives and premiers to China several times and receiving senior Chinese leaders in Canada, all have done a great deal to focus Canadians on China and other parts of Asia. Top officials of Foreign Affairs Canada and International Trade Canada are posted all over Asia, trained to facilitate Canadian business activities. The Export Development Corporation has substantial lines of credit and investment insurance available to Canadian business.

Brand Canada is warmly welcomed all over Asia, so why are we the worst trade performer in the G7? Canada's share in Asian markets has fallen from 2 per cent in 1990 to 1 per cent in 2002. The greatest economic shift in two centuries is taking place, and Canadians are hardly a trace presence in the emergence of dramatically developing new wealth. Some think that our lack of business growth in Asia is a bi-product of NAFTA and our focus on North America. Perhaps the size of the U.S. economy and the decade-long growth which has taken place in North America has been a disincentive to diversify our participation in other markets. The result, however, over the next decade or two, will link us more firmly to the ups and downs of the U.S. marketplace alone.

• (1600)

We have a lot to think about, and think about it we must. The government has launched a tripartite study of Canada's future role in the world — foreign relations, trade relations and our defence and security role. What we are failing to achieve in the great markets of Asia must be among the top issues to be considered. China, with a population of 1.3 billion people, or 22 per cent of world's population, is today the world's fourth largest trader and is the fastest growing import market in the world.

However, the China story is larger than just its remarkable entry into the trading system. Today, China is a global financial power, a holder of nearly half a billion of U.S. treasury issues, which helps to stabilize the U.S. dollar — the world's currency — and smooth out market adjustments. China is also the world's largest recipient of foreign investment, receiving over US \$50 billion last year. China is the world's most competitive workshop and is a vital link in the global value chain that has emerged as global companies seek production efficiencies and strategic regional positioning to remain competitive worldwide.

Why China matters to Canada is obvious, but Canada is also important to China. We are a highly developed North American country. We are a possible partner in supporting their needs in

energy, minerals, agriculture, transportation, information and environmental technology, and many other sectors. We are seen as honest and reliable, not only in commerce but also in global issues such as security, multilateral organizations and their issues, and in human capacity building.

Prime Minister Paul Martin has engaged China's support for the G20 process, which is a consensus group on world economic issues, and also on the concept of an L20, being a group of world leaders who meet frequently on global issues. A forthcoming trip by Prime Minister Martin to China will build on Canada's interest in China, both in the bilateral and multilateral dimensions.

I want to turn, honourable senators, to broader issues in foreign policy. One of the critical issues of our time is the war in Iraq. Canadians were clear that they would not support the decision of the United States to enter Iraq. Would we have done so if the United Nations Security Council had authorized intervention in Iraq? One wonders whether the Iraq war would have garnered more public support if it had been approved by the Security Council. How threatening to world security are the Middle East regimes? In the present action in Iraq, is there any promise that it might put Iraq on the road to being a freer and more democratic state?

Even if we are not a major player in world peace and security, we have a role to play in peacemaking, peacekeeping and in capacity building in the world community. Canada retains its entitlement to its reputation as a peaceful, tolerant and caring society. We played key roles recently in the landmines treaty, in the establishment of the International Criminal Court and in the Kyoto agreement. As peacemakers we are in Afghanistan, and as peacekeepers we are in several countries. Our aid programs foster health care, education, safe water, small business start-ups and the development of governance in over 100 countries.

Many challenges to a stable and democratic world remain and we will have to face them in ways as yet unknown. First, there is the rise of global terrorism, which will yet cost many lives and much economic wealth. The dangers of the spread of nuclear weapons are present in countries such as North Korea and Iran. There is a breakdown in civil order in many parts of Africa, and the loss of life there is horrendous, as is the loss of life from AIDS and other diseases.

Where is there a resolution of the Israel-Palestine wars that go back perhaps 80 years and may well go on for another 80 years? Is Chechnya, along with the Caspian Sea nations, to be a major fault line embroiling Russia for years to come? Many questions can be asked about the future of the United Nations as a body able to act resolutely and effectively to deal with global issues that threaten the peace and security of people and nations.

Canada has and will continue to act in support of the United Nations in spite of all its perceived shortcomings, and Canada will continue to support the multilateral processes that are a part of world cooperation — the World Trade Organization and many regional groups such as the Asia-Pacific Economic Cooperation, which will meet in Chile later this month. NATO and the G8 group are also key forums for Canada's global presence.

Honourable senators are aware that the government will shortly table green papers on Canadian foreign policy, defence policy and foreign aid policy, both to review our present directions and to develop a consensus among Canadians as to our future participation. Our Standing Senate Committee on Foreign Affairs and our Standing Senate Committee on National Security and Defence can play key roles in the dialogue among Canadians and in advising the government.

Another of the key issues that challenges us immediately is global warming. Canadians are becoming aware of climate change and its impact on geography and wildlife. We see the Arctic Ocean more ice-free than ever before, and the thickness of the ice cap is becoming thinner. Whales, seals and polar bears are affected in food foraging and in reproduction. Sea life never seen in Arctic waters is now making inroads, as are southern animals and insects. We have become aware of the Arctic as a gathering point for pollutants from around the globe, moved there by global wind systems; and southern Canada is generally warmer than it has been. In British Columbia and Alberta, the glaciers are melting rapidly. The retreat of our glaciers is recent and alarming.

I want to thank Senator Watt for his contribution to our debates in months past and for the notice he has given us of the changes being effected in Arctic Canada, his home area.

Rising temperatures are capable of great harm. A doubling of atmospheric concentrations of carbon dioxide could cost about 2.5 per cent of global GDP. A quarter of all economic damage would fall on the agriculture sector because of the change in land use. Rising temperatures will affect sea levels with damage to major communities built along the sea. Deforestation and ozone pollution are the results of climate change and they affect oxygen levels.

The problem with tackling the issue is that the costs associated with controlling climate change are almost immediate, but the major benefits are likely to be two or three generations away. The goal of the Kyoto Protocol is to freeze carbon emissions of rich countries at 5 per cent below their 1990 levels, while allowing poor countries, newly industrializing, to continue without restriction. Theoretical benefit calculations by the Centre for Global Development and the Institute for International Economics show that using a 1 per cent discount rate over 100 years would produce US \$166 trillion of benefits in 1990 dollars, but the theoretical model is just that, and the benefits accrue very little to the developed economies. This is the reason the United States has declined to follow the Kyoto agreement.

The challenge for Canada is to find the way, through new technologies and better practices, to make our contribution to an environmentally safer world for not only the next generation of Canadians but for all who inhabit this planet. As Prime Minister Paul Martin stated in his address to the House of Commons on October 6 last:

...we understand that our success and our quality of life are increasingly tied to our relationship with our environment. The decisions we make now have profound implications for the future.

I want to touch briefly on a few indicators in Canada's economic performance. In terms of the prosperity of Canadians, we have navigated through difficult times in the 1980s and 1990s into a period of relative economic stability and growth. Statistics Canada advised last week that growth in the 2004 GDP would probably come in at about 3.75 per cent rather than the Bank of Montreal's prediction of 3.25 per cent or the Bank of Canada's prediction of 3 per cent. Canada has seen six straight monthly advances, including 0.5 per cent in August and 0.2 per cent in July. The August 2004 gain can be compared also, showing it is an advance of 4.6 per cent over August 2003. Statistics Canada says that both the goods and services sectors contributed, with utilities, retail trade, entertainment, manufacturing, information and communications sectors showing the way.

• (1610)

The Export Development Corporation recently advised that Canada would continue to show moderate growth through 2005. The United States economy, to which Canada is closely tied, is reported to have grown at 3.7 per cent during the third quarter, that is, July, August, September. Consumer spending was the leader in keeping the U.S. economy advancing.

Projections are for a sustained economic performance in both Canada and the United States through 2005. Private economists in Canada advise that the Canadian economy is performing close to its capacity, which should show working Canadians some growth in real income as well as delivering encouraging employment numbers.

From time to time, we see articles in newspapers and magazines questioning why we cannot develop a better measuring standard for our progress than the gross domestic product. The GDP is an economist's way of measuring the performance of a variety of economic actions to draw a conclusion about overall economic activity in our society. A recent article in *Saturday Night* magazine by Sean Butler described the shortcomings of the GDP performance index. The key concern is that no account is taken by the GDP formula of whether growth is a positive advance for society or whether it is the result of the destruction of existing capital or resources where re-investment is required. As Sean Butler notes, destruction of the environment is often a positive development in the GDP index. He describes how spending that creates disease, kills people, destroys community viability, or leads to gambling, is statistically described as positive in economic terms. If there were 10 things we could hope to see in 2005, for me one would be an alternative universal index that measured economic growth in qualitative terms.

In referring to our federal system of government, one cannot help being reminded of an old story about the priority of matters. It seems that an important foundation offered a big prize to the authors of an essay that came closest to describing the essential nature of their society. They asked essayists to describe that nature by comparing it to the elephant. The Indians wrote, "The Elephant as a Transportation System." The French wrote, "The Elephant in Love." The Germans wrote, "The Elephant in War." The Americans wrote, "The Elephant as a Political Symbol." Finally, the Canadians submitted their essay, "The Elephant and Federal-Provincial Relations."

The topic has preoccupied us since Confederation. The struggle to define the powers of sections 91 and 92 of the British North America Act has been ongoing, whether judicial or political. The Rowell-Sirois commission of the middle of the last century, many dominion conferences, as well as numerous federal-provincial conferences, now called first ministers' conferences, have all addressed the myriad issues that come with managing this immense and complex country.

The Confederation papers suggest that the negotiators of 1867 sought a strong central government system, partly to be able to act in the face of the United States just emerging from a civil war and militarily powerful. There was also a wish to mirror the unitary system of Great Britain. Experience has demonstrated that Canada is too regionally composed to support that concept comfortably. For decades past and to come, we have sought, and will continue to seek, both equitable and pragmatic balances.

Virtually all provinces have joined our federal system with special arrangements to accommodate regional realities. What we have held firmly to as the keystone of our system is that every province will have the same constitutional and juridical authority, with variations only as agreed to at the time of entering this federation or as agreed to by the constitutional amending process.

We have made many different arrangements in program delivery, in administrative procedures and in fiscal transfers. These are the shockproofing factors in our constitutional life. To my mind, nothing has been changed by the September agreement on health care and the various obligations entered into with the provinces. The phrase "asymmetrical federalism" is not a new constitutional doctrine; it is a catchphrase for the normal course of federal-provincial business. The unity of the country is not threatened, it is enhanced.

I see it the same way with respect to trade missions led by whatever premier. Foreign policy and trade policy are the responsibility of the federal government. Under that umbrella, it can only be beneficial to Canadians to have efforts made by provincial and territorial leaders to enhance the economic growth of their provinces. There is no case in which that work has not had the presence and assistance of the Canadian government.

However, to all these comments, I agree that we must be watchful that the national unity of Canada is not impaired. It always falls on the Canadian government to ensure that its actions and those of other Canadian entities are, to quote Senator Joyal, "purposes that benefit all Canadians."

Let me turn to the Senate and make some concluding remarks on the role of the Senate today, both in the parliamentary system and as it is seen in the country. Any objective evaluation would recognize the Senate's contribution to important policy debate in Canada. Our committee work is repeatedly recognized as significant. In the past few years, the views of the Senate on health care, national security and defence, marijuana, the environment and energy, human rights, agriculture, fisheries

and oceans, and many other public policy areas, have become commonplace in national debates. Earlier reports on poverty, the media, official languages, children, and soil conservation are still noted.

In Parliament, we are recognized as well-informed and substantive in our meetings with ministers and other witnesses. We are seen as a voice for Canadians who are not heard in the lower house and as a champion of minorities. Think of the work done on Aboriginal issues and on legislation advancing self-government. We are looked to by the public service as a protector of fairness in employment relations. We do examine legislation with the care and thoroughness that has often not been given by the House of Commons. Sober second thought is a valuable process in Canadian governance.

In times past, the challenge of the Senate was based on arguments about our performance. I think this is no longer the case. The challenge today is not about what we do but more about how we came here. The prevailing political norms seek to establish a popular mandate for the appointment of senators. Obviously, an elected mandate would radically reform the relationship with the House of Commons and with the provinces. Is that what Canadians want to see?

Some provinces today seek to have the power to elevate Canadians to the Senate transferred to the provinces. They see the Senate as representing provincial government power, much as the German states have in their federal system. Where is the merit in giving the provinces control over the federal legislative power? The provinces with the greatest number of senators would have control put into their hands.

The prime minister of the day could also practise the constitutional power to appoint senators through an arm's-length screening process, much as is sought for the appointment of Supreme Court judges. Would that practice produce more effective appointments than today? It is hard to say.

Whatever the continuing debate about Senate appointments, the Prime Minister has made clear that changes to that process or other changes will only come about when the provinces are unanimous in their position on Senate reform. Only then will the negotiations on change begin. In the meantime, the Prime Minister will undertake appointments within the constitutional system long in place in Canada. Expressing a personal opinion, I hope he will do so sooner rather than later, and that appointments be considered not only for the government ranks but for across the floor as well.

Honourable senators, it remains only for me to thank you for giving me a courteous and patient hearing and to once again encourage you to support the motion for the Address in Reply to the Speech from the Throne, together with the amendment proposed by Senator Kinsella.

Hon. Michael A. Meighen: Honourable senators, would the Leader of the Government in the Senate accept a question?

Senator Austin: Certainly.

Senator Meighen: Honourable senators, that was an excellent address. What struck me in particular was the government leader's flattering, and I think very accurate, reference to the public reaction to our committee work. In my own view, at least, our Senate committees are the best means to convince the Canadian public that we do an honest job for an honest wage.

That being the case, I wonder whether the government leader would support my view that, if we are to enhance that perception in the public, it is only appropriate that we seek more money for all our committees, provided of course that they present a convincing case for the work they seek to carry out.

At the present time, however, it is my view — and I wonder if it is a view held by the Leader of the Government in the Senate — that our committees do not have enough money to do the job that is so well received by the Canadian public.

• (1620)

Senator Austin: Honourable senators, I wish to give the honourable senator an unambiguous answer. I think we should have substantial additional financial capacity for our committee work.

Hon. Marjory LeBreton: Honourable senators, before I begin my reply to the Speech from the Throne, let me first congratulate both His Honour and the Leader of the Government in the Senate for continuing in the positions they held in the last Parliament. I particularly want to congratulate Senator Noël Kinsella on his assuming the role of the Leader of the Opposition. I also wish to congratulate Senator Stratton on his appointment as deputy leader and Senator Tkachuk, my seatmate, on assuming the role of caucus chair.

For all of those who have extended congratulations to me on assuming the role of opposition whip, I would first like to thank them, but also I would seriously ask for their support. We are a small but vigorous opposition, and in order to be effective we must be present in this chamber and at committee meetings.

Honourable senators, Canadians' levels of mistrust and cynicism are very high and increasing. Who can blame them? The media have a responsibility here as well. A recent column by Don Martin drew attention to this, as the lines have been crossed to an unprecedented level between the media and the government side. The last election campaign is a textbook case as to why the public has become so concerned. No government deserved to be defeated more. As one of our parliamentary colleagues stated:

Canada needs an alternative to this tired, corrupt, intellectually bankrupt government ... a government guided by polls, certainly not guided by principles

I continue this quotation:

Canadians watch as the decrepit old Cabinet flies around in new jets while our proud professional Armed Forces fly around in old helicopters.

A billion dollars (for the Gun Registry) would have been better spent on health care or education or strengthening the RCMP.

We are all familiar with the public works scandal and the millions of dollars that were wasted, misdirected and misappropriated.

For ten years, we have had a visionless Federal Government more preoccupied with next week's polls than by the challenges and opportunities facing Canadians in the 21st century.

On the deficit, Paul Martin finished what we (the Conservatives) started, but takes all the credit for it. That is how shallow he really is.

Now, honourable senators, if you want a jolt on the cynicism side, I must tell you that those words I just quoted are those of the Minister of Public Works, Scott Brison, who made these comments in the year to year and a half before the election, and who, in the midst of reports that the Martin juggernaut would win over 200 seats, declared that he was suddenly drawn to the "exceptional attraction and bold ideas" of Prime Minister Paul Martin.

We wonder why Canadians are cynical and do not believe politicians!

Honourable senators, we on this side know that it is our job to hold this tired, arrogant Liberal government to account, even if Scott Brison does not.

To name a few issues, there should be no more wasteful spending sprees such as the sponsorship scandal that is presently unfolding before the Gomery commission. We must hold them to account for their abysmal treatment of our military. We must hold them to account when this government breaches its word to the Atlantic provinces on offshore royalties.

We will do that in the chamber and in committee as we supplement and complement the work being done by the official opposition in the other place.

Today, I want to particularly focus on one unfortunately small aspect of the Speech from the Throne — the "democratic deficit." It used to be a major theme for the Martin Liberals, especially in those days when Mr. Martin was feverishly working to take the leadership from your Mr. Chrétien, Senator Mercer. Erasing the democratic deficit has now been reduced to one measly sentence in the Speech from the Throne, a sentence at the end of the speech that talks about involving parliamentarians in the review of key appointments and reviewing options for reform of our democratic institutions — one passing reference, almost an afterthought, at the end of the speech. Wow! How far this issue has sunk since Mr. Martin's first major speech on this subject, given just over two years ago, on October 21, 2002.

In that speech — and I am sure honourable senators on the other side will well remember it — Mr. Martin pointed to a new renaissance era in Parliament, an era where the Prime Minister's Office would change its dictatorial ways and one in which private members or backbenchers in the House of Commons would have real influence on the policy-making process.

Let us recall some of the famous phrases from that speech.

On the matter of public consultation, Mr. Martin stated:

Surely, our fundamental point of departure must be that better decisions emerge from the widest degree of public participation.

On the role of MPs, Mr. Martin said:

Under our system of representative government, there should be a direct line that runs from the people to their representatives — their Members of Parliament — and through them to the executive. The problem is —

stated Mr. Martin —

— that over time that line has become obscured.

I think most would agree that under Mr. Martin's leadership it has been erased completely.

Mr. Martin, speaking in serious tones, dealt with the growing cynicism of Canadians toward government and promised a cure. One would be hard pressed to forget the famous anti-establishment line, when Mr. Martin said:

We have permitted a culture to arise that has been some 30 years in the making. One that can best be summarized by the one question that everyone in Ottawa believes has become the key to getting things done: Who do you know in the PMO?

Martinites were ecstatic and the media lickspittles could not get enough. Martin would bring in a whole new style of governing. The juggernaut was consuming us all! Dreams of 215-plus seats danced in their heads.

How the song has changed! The reality is the opposite. One will only get action as long as he knows the Prime Minister or, perhaps, his communications director, Scott Reid.

Those who remember the speech will know that it ends with a commitment that committees be given real power over Order-in-Council appointments. Mr. Martin committed to a review by the relevant committee "before final confirmation" even mandatory review of Supreme Court appointments.

Well, that was then and this is now.

Mr. Martin's speech was pure fiction, the result of a fertile imagination or, perhaps more accurately, a serving of flim-flam meant to achieve a particular short-term result.

Danny Williams knows all about that, as Senator Kinsella has said.

We, as parliamentarians, bear witness to this stark reality as Mr. Martin assumed the role of Prime Minister.

Let us look at the government's record on the so-called democratic deficit. The Prime Minister's record clearly shows that he has no interest in addressing any democratic deficit. Even Jean Chrétien waited a year and half before he moved his first closure motion as prime minister, and managed to last five months before he rammed his first piece of legislation through the House using time allocation — this is really something, me giving credit to Mr. Chrétien!

The current Prime Minister waited six days — six days! — to use closure and followed up with the use of time allocation here in the Senate. Free votes? What free votes? Not for Liberal MPs, who were told that they would not be allowed to vote as they wished on funding for the gun registry, regardless of the concerns being raised.

Conservatives members have had free votes on a wide range of issues that have come before the House of Commons, and this goes back to when we were in government, capital punishment being a case in point.

It was a motion that was put forward by Conservative House Leader John Reynolds that led to the secret ballot election of committee chairs.

Conservative members have supported a wide range of democratic reform initiatives, such as appointing an independent ethics commissioner, giving committees the chance to pre-review government appointments, and appointing a parliamentary committee to oversee government spending — all proposals that Mr. Martin verbally supported and then voted against.

Remember how he was going to address cronyism? "No longer will the key to Ottawa be who you know," he said. The reality is that Mr. Martin has no difficulty with patronage positions for his friends and acquaintances. He appointed Allan Rock as ambassador to the United Nations. When he did that, I actually thought that Mr. Rock would at least have the decency to fill a few seats in the United Nations when Mr. Martin spoke there. The place was empty, as we know. Similarly, Mr. Martin has made offers of patronage positions to John Manley and Sheila Copps — that was then and this is now, of course — and reportedly to Claudette Bradshaw, but she would not budge. Liberal MP Sophia Leung agreed to accept a patronage position in return for her decision to step aside for David Emerson, and the rumours are that she will be appointed to the Senate. Add John Harvard to the list as Lieutenant Governor of Manitoba as he stepped aside for start candidate Winnipeg city mayor Glen Murray, and we know what happened to Glen Murray.

• (1630)

Perhaps the most glaring example of the Prime Minister's new motto, "promise one thing — do another," comes in relation to committees and their power to deal with appointments. We saw this in September when the Prime Minister cobbled together a group to review the Supreme Court appointments he had already made. What a difference from promises made two years ago, or even promises made during the election campaign.

Most recently, we have witnessed the appointment of Mr. Gordon Feeney as chair of the board of directors of Canada Post. This was done in direct contradiction of the Liberals' 2004 Action Plan on Democratic Reform and in direct contradiction of the guidelines established by Treasury Board President Reg Alcock. So much for cabinet solidarity.

There is nothing that this government will not promise one day and then do exactly the opposite the next. Soon it will be so good at contradicting itself that it will be able to do it on the same day that it makes its promise.

However, as the Liberals know, they face a new reality — a minority Parliament — where the real leadership is being provided by the Leader of the Official Opposition, as was demonstrated by the throne speech amendments dealing with the issues that really matter to Canadians. Committees in the other place now have an opposition majority — a majority which has been used to scrutinize the appointment of the chair of Canada Post. The good news is that our democratic deficit will now be addressed not by the hollow promises of the Prime Minister and the Liberal party, not by the Martin government hanging on by its fingernails, but by the official opposition.

Already changes have been made in the rules to give backbenchers more influence, and that is only the beginning. My colleagues and I here in the Senate are watching a new reality unfold. The reality is that only under the leadership of the official opposition will the democratic deficit be addressed.

We owe it to Canadians to rectify the situation. Certainly they have learned that government promises are not to be believed, no more so than on the democratic deficit.

Hon. Mobina S. B. Jaffer: Honourable senators, it is with great pleasure that I rise today to speak in response to the motion on the Speech from the Throne to open the Thirty-eighth Parliament of Canada. The Speech from the Throne covered a lot of ground. When Her Excellency came to address this chamber, she went through a number of issues and areas that are of great importance to all of us here and all the people of our great country.

I should like to focus on one specific part of the speech. I would draw the attention of my honourable colleagues to an area that is very close to my heart, and that is the section of the throne speech entitled "A Role of Pride and Influence in the World." This section deals with enhancing Canada's ability to respond to crises when needed and building on Canada's role in multilateral

institutions. I want to delve a little deeper into what this means and talk about what Canada is doing to reignite the debate on humanitarian intervention and the responsibility to protect.

Honourable senators, I have had the opportunity to visit areas where people are desperate for even the basics of life. I have seen and heard from women and girls who are under the constant threat of rape. I myself have also been a victim of an oppressive regime that robbed me of my most fundamental rights.

I know that the world needs more of the values that Canada stands for. Canada has helped me by giving me refuge in a time of need. It allowed me to live in a place where I could grow and flourish without sacrificing the important cultural traditions that make me who I am. Since I arrived in this country, I have seen how Canada can go forth effectively into the world and work with our allies and regional forces to make life better, safer and more secure for people across the world.

We are confronted with situations that are as politically complex and dangerous as they are urgent and serious. Often, these situations involve failed or failing states where ongoing conflict has seen multiple generations who know nothing but war and bloodshed.

I commend the government for the decision to increase the size of Canada's peacekeeping forces by 5,000 regular forces and 3,000 reserve forces. This means that Canada will be able to go where it is needed and continue to do the good work that we have seen in Afghanistan, Haiti and Bosnia.

All of the peacekeepers in the world will be of no use, however, if we do not do more to determine when it is appropriate to intervene for humanitarian reasons. The question of when to intervene is a difficult one because it often conflicts directly with the rights of sovereign states to the integrity of their borders.

This is where the international responsibility to protect becomes important. What is the responsibility to protect? The responsibility to protect is a concept that balances the principles of non-intervention in the territory of sovereign states with the responsibility of the international community to intervene in situations of massive human rights abuses, ethnic cleansing, genocide and internal conflict.

The responsibility to protect civilian populations lies first with the state itself. State sovereignty implies responsibility, and it is assumed that the primary responsibility of any sovereign nation is to provide security for its civilian populations. However, when the people of a state are suffering serious harm as a result of a humanitarian crisis and the state is either unable or unwilling to act to alleviate the situation, the principle of non-intervention in a sovereign state must yield to the international responsibility to protect.

The question, honourable senators, is not, does the international community have the right to intervene, but rather, is the state taking the responsibility to protect seriously.

In many situations, we find that sovereign powers have forsaken the responsibility to protect their civilian populations or even been the authors of their own misfortune. This is one of the reasons why Canada must strive to be engaged in the world and work to meet its responsibility globally.

As the Secretary General of the United Nations, Kofi Annan, has said:

Few would disagree that both the defence of humanity and the defence of sovereignty are principles which must be supported.

Alas, that does not tell us which should prevail when they are in conflict.

Humanitarian intervention is a sensitive issue ... fraught with political difficulty ... but surely no legal principle — not even sovereignty — can ever shield crimes against humanity.

The responsibility to protect as a concept was first put forward in the 2002 final report of the International Commission on Intervention and State Sovereignty. This commission was established by the Government of Canada and other Canadian supporters in 2000 to meet the Secretary General's challenge to examine the right of humanitarian intervention. In its final report, the commission argued that, in situations where states are unable or unwilling to protect their civilian population from mass atrocities, or where the state itself is the perpetrator, the international community has a responsibility to act.

This naturally leaves us with several questions, such as when a state is deemed to have failed in its responsibility and what sorts of international responses are appropriate in different circumstances. This is why the commission broke the responsibility to protect into three more specific responsibilities.

The first, and the most important, the responsibility to prevent, involves the responsibility to address the root causes of internal conflicts and other man-made crises that take place when a population is at risk.

The second, the responsibility to react, refers to the responsibility of the international community to intervene — whether by sanctions, diplomatically or militarily — in situations of compelling human need. Part of this principle is that international responsibility be exercised in the least obstructive possible way, while still addressing the situation at hand.

The third and last, the responsibility to rebuild, means ensuring that not only the consequences of any intervention are addressed but also that the root causes of any humanitarian disaster are addressed after an intervention takes place.

The commission was clear on the fact that military intervention should only be used in cases where the harm to human beings is occurring or imminently likely to occur. Examples of this kind of harm include large-scale loss of life or large-scale ethnic cleansing. Other tests must also be met when the international community

considers intervening in a sovereign state. We must be sure that we have the right intentions and that we are using the appropriate means, with the appropriate authority and a good chance of success.

• (1640)

The most appropriate forum in which to discuss this sort of intervention is the United Nations, and the appropriate authority for military intervention should be the exclusive province of the United Nations Security Council. The United Nations offers the best chance of assuring that the appropriate means of intervention are chosen and that the expertise of regional authorities can be engaged. The best solutions can only be achieved if all nations acknowledge the responsibility to protect and to commit to giving situations where humanitarian intervention may be warranted the quick and thoughtful considerations that they are due.

We have seen the consequences of failing to take the responsibility to protect seriously in Rwanda. To once again quote the Secretary General of the United Nations in his address on the tenth anniversary of the Rwandan genocide: "We must never forget our collective failure to protect at least 800,000 defenceless men, women and children who perished in Rwanda 10 years ago."

Honourable senators, such crimes cannot be reversed. Such failures cannot be repaired. The dead cannot be brought back to life.

What can we do? First, we must acknowledge our responsibility for not having done more to prevent or stop the genocide. Neither the United Nations Secretariat, nor the Security Council, nor the member states in general, nor the international media paid enough attention to the gathering signs of disaster. Still less did we take timely action. When we recall such events and ask why no one intervened, we should address the question not only to the United Nations but also to its member states. No one can claim ignorance. All who were playing a part in world affairs at the time should ask what more they could have done; how they would react the next time; and what they are doing now to make it less likely there will be a next time.

Honourable senators, what is Canada's role? The values of Canadians are such that they want to see a foreign policy in which the security of people is valued at least as highly as the security of states. We see the responsibility to protect as a responsibility not only to prevent humanitarian crisis from occurring but also to step in when necessary to ensure that the security of the people is protected, even when the state fails in that role. However, in situations where governments have failed to protect their citizens or have perpetrated abuses upon themselves, peacekeeping forces alone cannot always meet the challenges we face. For peacekeeping to be effective, there must be a peace to keep.

The Speech from the Throne called specific attention to the ongoing humanitarian crisis in Darfur in Western Sudan. As Canada's special envoy to Sudan, I have not only become familiar with the issues that surround this crisis but also intimately connected with the people who suffer in this crisis. When I went to the refugee camps in Darfur earlier this summer, I was inspired at

once by the people I met and saddened by the conditions in which they are forced to live. Though they suffered terribly without so much as the necessities of life, they still remained compassionate and strong. I was amazed that even with the adversity they faced, they still came to greet me and offer me what little they had as their guest.

The Darfuris conducted themselves with great dignity, even though they faced such tremendous adversities. These are the special people of Sudan. Like many people around the world, they are looking for someone to protect them and to restore their security. I have seen first-hand in Darfur that Canada can play an important role in bringing relief.

In Darfur, Canada has been able to help the African Union deploy security forces. Though the situation remains desperate, the presence of the African Union troops has begun to restore hope. This is a prime example of how the responsibility to protect can function, even in politically challenging circumstances. In Darfur, we have seen a state that has failed in its responsibility to protect its people. Now, with the help of Canada and other international partners, regional forces have been able intervene to meet that responsibility. In the Prime Minister's reply to the Speech from the Throne, he went further into this concept. He said:

...we will speak out for reform of the United Nations. We will speak out for the establishment of guidelines to enable the international community intervene more swiftly and effectively inside sovereign states that perpetrate or fail to stop massive human suffering....

It is the concept of responsibility to protect that we are bringing to the United Nations and to other multilateral institutions. Canada is working to reignite the debate on humanitarian intervention.

Honourable senators, this debate is essential. Without it, the world runs the risk of paralysis in the face of situations like the genocide in Rwanda just over 10 years ago. Canada has so much that it can bring to this debate. For example, we are helping in Africa by training a regional force to preserve peace in tenuous situations. Unless the basic conditions of human security are met, there can be no development and no prosperity. That is why it is so important to ensure that we not only work to prevent humanitarian crises like the one in Darfur but also to ensure that the world community has the essential tools to intervene when it is necessary to do so.

The responsibility to protect is an essential part of making the world into a place where people of all nations can count on their fellow human beings of all nationalities to step in and protect them when their security is threatened. The willingness to accept this responsibility and to take a leadership role is part of what makes Canada the best country in the world.

The Speech from the Throne has reaffirmed Canada's commitment to leadership in promoting the responsibility to protect so that it becomes the norm for humanitarian intervention

throughout the world. Canada has the ability, the credibility and the knowledge to play this role better than any other country in the world. If Canada will not take this role, honourable senators, who will?

Senator Meighen: Honourable senators, I should like to begin by congratulating our new leader on this side, Senator Noël Kinsella. I am sure that his wit and wisdom, combined with his intimate knowledge of the rules and practices of this place, will be of great help to him as he leads a band of merry but somewhat independent-thinking senators on this side.

I congratulate also the Speaker, Senator Dan Hays, on his reappointment. I congratulate the new deputy leader, Senator Terry Stratton, and our whip, Senator Marjory LeBreton. I congratulate as well my friends on the other side who are familiar faces. It is always nice to see a continued expression of confidence in their leadership.

Honourable senators, we face in this Parliament a situation that is somewhat unique. While a minority government is not particularly unique, being in one where the government cannot be propped-up by the opposition party having the fewest number of seats is somewhat new and different. It has already led us into a new dynamic wherein the Speech from the Throne has been the subject of not one but two amendments, which set forth an ambitious agenda, but one that was set by the official opposition in the other place.

Perhaps we could have done without the high drama surrounding the subamendment dealing with the fiscal imbalance. Its unanimous adoption in the other place, after some minor wording changes, has set the tone as to how this Parliament may operate on consensus, with, on occasion, the government actually listening to the opposition and addressing issues, identified by the opposition, that face our society.

With that as a preamble, I want to isolate two parts of the Speech from the Throne for short comment: the section at the beginning dealing with what is termed our "strong economy" and the part at the end of the throne speech entitled "A Role of Pride and Influence in the World."

The items listed for action under the heading "A Strong Economy" do not represent the kind of bold, new economic initiative Canadians would and should expect from their government. The last two major economic initiatives introduced in this country were the Free Trade Agreement and the Goods and Services Tax, both of which, I remind honourable senators, were going to be repealed as soon as the Chrétien government took over in the autumn of 1993.

• (1650)

Here we are, 11 years later and almost 15 years from the introduction of those two measures, waiting for the next bold, innovative, economic proposal from this government. There is certainly nothing of that kind in this Speech from the Throne.

Five points are set out in the economic strategy: investing in people, strengthening our capacity to generate and apply new ideas, providing “smart” government or reducing red tape, a commitment to regional and sectoral development, and, finally, a commitment to promote trade and investment. Frankly, none of this is very new. A great deal of it requires the government to interfere in the marketplace. In other words, Liberals picking winners and, therefore, necessarily losers as government seeks to set the economic agenda rather than largely leaving it to business and industry.

[Translation]

In recent years, we have questioned the government's integrity and open-mindedness with respect to our economy. Once again, the government has substantially underestimated Canada's budget surplus. Although the Conservative Party's budget forecasts during the recent election campaign were laughed at, our estimates have been confirmed by an increase in the surplus from \$1.9 billion to at least \$9.1 billion.

[English]

While I realize that the government likes to brag about its large surpluses, I believe those surpluses are symptomatic of a greater malaise in the government's financial plans for the future. This large surplus demonstrates a lack of imagination in tackling the real problems facing Canadians and underscores that this is a government with few, if any, priorities — priorities to which these resources could be directed. The surplus illustrates a government content to take taxpayers' money, simply, it would seem, for the joy of receiving but not of giving, not giving back in the form of either debt reduction, tax decreases or even improved social programs.

When one combines this lack of positive direction in the Department of Finance with the fact that Canada has once again slipped in the global competitiveness ranking of world economies, I believe we all have cause for concern.

We have been drifting, honourable senators, without new economic policy directions for the past 10 years. In relation to competitiveness, as we all know, we are now fifteenth among the world economies, down from tenth last year and sixth in 1998. We also lag behind our major trading partners as the productivity gap widens and businesses fail to invest in better processes for manufacturing or production. Increased productivity is the key to increasing our standard of living. A competitive marketplace increases productivity.

Roger Martin, Dean of the University of Toronto's Rothman School of Management and Chair of the University of Toronto's Institute for Competitiveness and Prosperity, has said:

In order to make progress, there is simply going to have to be more attention paid to the competitiveness of the country, rather than, say, fixing the health care system.

If we do not address the issues of competitiveness, the tax dollars will not be there to support the health care and other social programs.

[Translation]

The Liberal Party would like Canadians to believe that the choice is black or white, that we cannot be competitive on world markets and at the same time have a universal health care system. Honourable senators, I think it is possible to have both. But what differentiates the Conservatives from the Liberals is that we know that Canada must have a competitive economic environment that encourages the development of business and industry, in order to enjoy the health care system Canadians expect.

A healthy and sound economic policy must be implemented so that social policies — health care, for instance — can improve. The revenue generated by flourishing and competitive companies will in turn generate the funding needed for these social programs.

[English]

Professor Martin suggests that our business leaders need to become more competitive through the development of unique products and processes, competing more on adding value to products and services in areas such as design and servicing, such as engineering or high-tech design.

To illustrate how technologically complex manufacturing has become, I am told that Gilby's gin distillery in Lethbridge, where they also make the only North American version of Smirnoff's vodka — this will not be of interest to you, Senator Tkachuk, but to others — operates with only two employees on the floor, both incredibly talented computer engineers.

Manufacturing is now home to a highly skilled workforce. This is what is needed if Canada is to improve its position on the competitiveness index, resulting in an improvement in the standard of living of all Canadians.

It is not enough for this government to pat itself on the back for running so-called unexpected budgetary surpluses. It should look closely at the fact that we are not making our presence felt in the global economy. It is time for government to revisit the corporate tax regime in place in Canada. If we are not competitive, our economy will begin to decline. The lack of foresight today will have major consequences in the longer term.

The second part of this Speech from the Throne comes, as I said earlier, under the heading “A Role of Pride and Influence in the World.” This part of the Speech from the Throne was dealt with extensively by Senator Forrestall last week, and I wish to identify myself with his remarks. As honourable senators may remember, this is the part of the speech where the government congratulates itself on its investments in the military, characterizing them as “earning our way in the world.” This, I believe, is a particularly disingenuous statement, since there is no question but that under this government our place in the world has diminished.

The period of time since the reading of this speech has been one of tragedy for our Armed Forces. Rightly or wrongly, the death of Lieutenant Saunders has once again focused the attention of Canadians on the deplorable state of our military. From the cancellation of the helicopter acquisition contract upon assuming

government in 1993 through to today, this government has reviewed the defence budget as nothing more than a cash cow, to be milked for program spending, putting Canada's strategic interests aside and placing the women and men of our Armed Forces in harm's way with less-than-adequate equipment.

With a so-called unplanned surplus on its books and a similar surplus projected for next year, it is time for the government to heed the chorus of calls for a serious investment in our Armed Forces. We need a military that is modern, well equipped and combat capable to protect our own sovereignty and to enhance our place in the world. Canadians are now engaged in this issue. The continual underfunding of the military has at long last been connected in the public mind to the current deplorable state of our Armed Forces equipment. It is now up to the government to show — dare I use the word — “leadership” and demonstrate to all Canadians that it truly values the contribution to freedom of our women and men in uniform by putting our taxpayers' money where the government's mouth is. This is not only my view, honourable senators, but it is the view of a great many others. I will quote just one:

We must spend more than the \$13.3 billion we do know, refit warships, aircraft and armour, and boost our military beyond the 60,000 mark, and our effective army strength past 15,000.

On funding on personnel levels, I quote further:

Parliamentary committees have urged a base budget in the \$18 billion-plus range, just to offset past cuts and to support current missions. We could easily spend \$24 billion a year and field 80,000 personnel, and still lag far behind most of our North Atlantic Treaty Organization allies in relative spending terms. When inflation is taken into account, we spend less today than a decade ago.

Finally, my sage source concludes:

Can Ottawa spend smarter? Yes, definitely. But we must also spend more. So far, Martin has shrunk from doing that. Yet Canada's relations with the U.S., the UN and key allies hang in the balance. Ultimately, so does our sovereignty.

• (1700)

It may be of some surprise to some honourable senators to learn that all of these quotations supporting our Armed Forces and increased military spending come from an editorial last Sunday in the *Toronto Star*, hardly a militaristic journal and hardly a harsh critic of the Liberal government.

Honourable senators, we are either a mature nation taking our place and assuming our responsibility on the world stage, or we are not. It is no answer to claim that the government will increase our regular forces by 5,000 troops and our reserves by 3,000. Increasing the operating budget to deal with increases in personnel only exaggerates and aggravates the existing problem if the capital budget itself is not sizably increased at the same time. Putting another 8,000 Canadians in harm's way without adequate equipment is foolish in the extreme.

On the subject of budgets, while I am for improved efficiencies in spending, it is beyond belief, at least to me, that our Armed Forces should be expected to turn back part of their budget to the government. Surely, some exemption to the Armed Forces from this general clawback is not too much to ask. After all, it is the budget of the Armed Forces that has been routinely raped and pillaged by this government for more than 10 years.

While we now have the attention of the Canadian public focused on the plight of our army, navy and air force, it is time for the government to pursue its long promised defence review. I was under the impression, and I think many honourable senators were as well, that it was to commence as soon as Parliament reconvened. Now, no one seems to know when or if it will be tabled.

Canadians, I believe, want to play a meaningful role in the global community. One of the prices of playing that role is to have a military equipped to defend one's homeland and to help allies where necessary. At present, we can do neither satisfactorily.

I look forward, honourable senators, to being part of the work of the Standing Senate Committee on National Security and Defence as we pursue our review of defence policy. I particularly look forward to participating with all honourable senators in this Parliament, a Parliament in which the government will ignore the views of the opposition at its peril.

Hon. Norman K. Atkins: Honourable senators, as I rise today to take part in the throne speech debate, I too would like to begin by congratulating the new Leader of the Opposition, Senator Noël Kinsella, the deputy leader, Senator Terry Stratton, and the new whip, Senator Marjory LeBreton. All of them bring with them a wealth of experience, which I am sure will be put to very good use.

I would be remiss if I did not mention Senator Lynch-Staunton, who, in my opinion, provided outstanding leadership and guidance for over 10 years as the Leader of the Opposition. He had a clear understanding of the issues that faced the chamber, and he spoke eloquently on many occasions on matters that were important to all Canadians. It was my pleasure, as chairman of caucus, to have served with him throughout those years.

I would also like to congratulate the Prime Minister in his wisdom to reappoint Senator Hays as speaker.

Hon. Senators: Hear, hear!

Senator Atkins: Honourable senators, when I listened to the Speech from the Throne, I was interested in what I had heard. In fact, I was pleased with some of the content and direction. However, as I read the text, I was struck by the fact that not much has changed since the last speech, or, in fact, many such speeches since 1993. The areas of concern for me and, I believe, for Canadians are still the same. There are still many generalities but not much substance, resulting in a plan that amounts to a new coat of paint in many areas, and in some areas, just the same old promises.

The government must set priorities, and I believe the areas that need immediate attention are the ones that are paramount in the minds of Canadians.

One issue that is paramount in my mind is the protection of the integrity of our parliamentary institutions. The other issues are the state of our economy, including taxes and jobs, social programs, in particular, health care in the country, education and student debt, foreign and defence policy, the military and the environment.

The municipalities are no doubt relieved by the announcement that they will receive a share in the gas tax. However, there is no information on how that sharing will take place. Municipalities need a time frame and deadlines for the receipt of that share in order to plan. As we all know, this government balanced the budget on the backs of the provinces, downloading so many responsibilities in the last 10 years while cutting funding, knowing that infrastructure is fast crumbling within our cities and that a need to put a plan in place was crucial.

What started out as a federal cities program is now a municipalities program. All of them face problems; however, the priority problems might be quite different in some smaller towns, cities and rural municipalities than they are in the vast urban centres such as Toronto, Montreal and Vancouver. Has the federal government thought this through? Is it possible to tailor federal policy to address these different problems in different ways? Should Ottawa even try to do so without the close involvement of the provinces? We all wait for answers to these questions from the Martin government.

Clearly, something is still wrong with the financial, economic taxation structure within the country when most of the provinces are running deficits, facing their fiscal responsibilities, this while the federal government once again announces that it is running a huge surplus.

Unfortunately, this minority government still has no immediate solutions to problems that have been ignored or underfunded for years. Each Speech from the Throne has a recurring theme which promises money already committed over an expanse of years.

Honourable senators, our Fathers of Confederation knew what they were doing when they adopted the Westminster system and instituted the roles of each branch of Parliament — Queen, Senate and the Commons — within it. Those roles were clearly defined and have worked for a very long time. They deserve far more credit than they get. This government needs to protect and uphold our parliamentary institutions. We should not be attacking the validity of our courts by acquiescing to demands, encroaching on the authority of appointments to the courts or the decision-making process within that system.

The role of Governor General is a very important one. Our head of state represents a parliamentary tradition that goes back many centuries. In this country, the office is above the political fray and should be protected from political interference.

Those who would weaken government by attacking our parliamentary institutions should be careful. We have seen and continue to see a barrage of attacks on our parliamentary institutions. In many instances, these are instigated by provinces that use their complaints in a bid to manipulate the federal government. One primary tactic is to attack the Senate and call for it to be abolished or elected, if the government does not agree with their ideology or ideas.

“Senate bashing” has become a popular sport when provinces do not get their way with the federal government. This government needs to protect the integrity of the bicameral system. To date, no one has engaged the provinces in an open debate on their position regarding the Senate. It has always been a one-way fight. The provinces demand power at the expense of the federal government. The reality for the provinces is that they cannot open the debate on the Senate without a full-fledged constitutional debate that also involves our whole system of government, including their own powers and the powers of the House of Commons.

• (1710)

Furthermore, there needs to be a clear understanding that the Senate, in any form of an elected body, would likely exert far more authority, which is its constitutional right, than it has previously done. If senators are elected to represent a region, they will demand the right to exercise the freedom to represent their constituents. Premiers may want to examine their relevance if a senator is representing a wide constituency. Elected senators could well be seen as more representative.

The problems have been made worse because this government has repeatedly failed to recognize the equal status of the Senate of Canada by allowing the passage of legislation that excludes the upper chamber from the review process. That was clear in the debate on the Clarity Bill. That is not the hallmark of a responsible government. It allows for the concentration of power in the hands of the executive. Time and again in the last 10 years this has occurred in legislation that has passed the House of Commons. The role of the upper chamber is designed to slow things down and allow thorough consideration and examination of legislation. The Senate does exactly that if allowed to complete its job, and at a relatively low cost.

The government should utilize the Senate to the maximum. This could be accomplished in part by using the Committee of the Whole to examine specific issues that would be more significant in terms of debate. Senate committees should be better funded to allow them more time to study specific issues in depth. The Senate could be better utilized by engaging in more inquiries and committee studies rather than government-sponsored commissions. The experience and expertise within the Senate could be used to much better advantage of the taxpayers' dollars and would ultimately not be subjected to spending millions for political expedience.

The government has made it very clear that it is proud of its debt-reduction strategy and has also made it clear that it will not fall back into a deficit position. While this is laudable, it raises the question of how they plan to stimulate the economy and attract

new business. Governments do not create revenue. We need small business and corporations to generate revenue and to create jobs, which in turn funds our social programs. Without money in their pockets, Canadians cannot purchase the goods and services needed to stimulate growth.

The government's commitment to some of our social programs within this country is indeed a step in the right direction, but we need to have a better understanding of how the government plans to fund them all or they will remain empty promises.

Child care programs, increased health care and programs for our senior citizens are all necessary, but how will the government fund them? These programs will require a stable, long-term commitment that cannot fluctuate along with the ever-changing economic picture. On most, if not all, of these programs Ottawa expects, and will expect, provinces to share the costs. This will be difficult for some and almost impossible for others if the federal government continues to deny the existence of a fiscal imbalance. Provincial spending responsibilities, including those related to joint programs, are increasing faster than provincial revenues. The reverse is true for federal spending responsibilities and revenues.

The government cannot maintain its massive surplus program, which appears paramount, and commit to only a strategy for social programs if this surplus is in jeopardy. The money for social programs must be long-term and sustainable regardless of economic pressures, and it must be built into the fiscal plan. The government needs to set priorities and protect the social programs that Canadians have already clearly indicated they want sustained before embarking on other programs.

Canadians asked for a clear commitment to health care from this government, and the announcement of the 10-year plan to strengthen health care reached with the provinces and territories is a major start in the right direction, provided it is implemented and funded.

This plan will provide a level of funding that will give each province a chance to address some of the health care problems within their jurisdiction. However, there is not enough accountability in the new agreement. There needs to be more built-in mechanisms for reporting where the monies are being allocated to allow the federal government to ascertain whether the Canada Health Act is being upheld and the objectives of the accord realized.

While the agreement has called for a study of the pharmacare program, the government ignores the fact that nothing will be done in the near future, in fact, not before 2006. In the meantime, Canadians are suffering because they must pay enormous prescription drug costs to maintain their health. This is a clear diversion from the catastrophic drug program promised by the government and, in fact, defers any decision until after the study is completed in 2006. How long after that will it be before Canadians, in particular low-income and fixed-income Canadians, can hope to get relief from prescription drug costs?

The government announced its commitment to promoting better health care for Canadians. The government needs to give incentives to Canadians for the promotion of their own health. One method for doing this would be to include a tax incentive for enrolling in health-based programs such as medically approved weight management, gym memberships and children's sports camps. It plans to address the issue of the lack of doctors, nurses and other health care professionals by speeding up the assessment and integration of persons who have received their medical backgrounds and training abroad. There is no program outlined to work with our educational facilities, making them more accessible and attractive to our students. This would result in us generating more Canadian graduates.

Investing in health care is very important, but unfortunately our investment in education has suffered as a consequence. Once again the Speech from the Throne has failed to respond to the needs of post-secondary students. Students are still facing crippling debt-loads and some young people are essentially denied access to post-secondary education in this country because of the lack of available funds.

The program defined by young Canadians allowing investment in a learning bond is a beginning for the generation to come. However, it is no help in alleviating the bleak financial situation faced by young people trying to enter post-secondary schools now or who are in fact presently in the system.

I have previously suggested such ideas as tax deductibility of loan payments for students, a moratorium of two years upon graduation before payments are to be made, forgiveness of loans in return for community service and eliminating tax on bursaries and scholarships. Nothing has been done to address the crippling debt-load faced by many of our young people.

Parliament, including the Senate, must be given the opportunity to examine and pronounce on the role our military plays. We need to develop an effective plan to merge our defence diplomacy and aid development efforts with the government agencies responsible. We must ensure that they are all focused on the same objective and working together for the same goals.

Our Canadian Forces, with limited resources, are very much focused on the war on terror, while our Department of Foreign Affairs is focused on issues like the missile defence system. There needs to be a coordinated security and foreign affairs policy with a single policy objective to minimize the resources we have to offer and to distinctly outline the role our military will play in the future.

To secure our borders, which is one of the main responsibilities of our government, we must work in conjunction with our neighbours and, indeed, the world at large, in the war on terror. Canadians have come to expect that this country will play a role in international affairs. As Senator Colin Kenny stated in a recent article, "Canadians have a vital interest in influencing world affairs in a way that will diminish international chaos."

• (1720)

Our foreign affairs policy is too vague, stating only that we will “assist failed or failing states in areas where links to both our national security and capacity to contribute are clear.” What will be the basis for making the decision to intervene or not? Canada does not exercise any serious influence over foreign policy beyond our borders. The last 10 years have seen Canada’s influence on the world stage diminish because our military resources are overburdened and we cannot make the commitments that are necessary.

This government, while it has committed to contributing to international security, has not outlined what that means. There is no clear designation of how precisely it will affect our military capabilities and, given the continued erosion of the military itself, that is a major factor.

This country needs a clear, concise outline to ensure national security and how it involves our military, and it must be a priority. We have been relegated to the role of advising the UN on rogue states or failing states because we have nothing to offer to resolve the issues.

Our military has been strangled by the inch.

We have been told repeatedly that the government is reviewing the situation to effect significant change. The reality is that the military has been in a constant state of underfunding for over a decade because the government continues to excuse inaction with the promise of a plan.

The Hon. the Speaker: Honourable senators, I have waited a little beyond Senator Atkins’ time to interrupt. However, I must now interrupt to say that the honourable senator’s time has expired.

Honourable senators, is leave granted for the honourable senator to continue?

Hon. Senators: Agreed.

Senator Atkins: We desperately need more troops and modern equipment, a situation which is rapidly escalating as our present military ages and retires. The troops cannot be trained and recruited quickly enough due to a lack of funds.

The continued lack of funding has forced the military to buy the best available within its limited budget, clearly not the best that is offered. Our forces deserve the best there is to offer for the task at hand.

This situation will not be alleviated until the government commits to an immediate plan to fund the military on a continued basis, until it reaches capacity and has ensured that its capital expenditures needs are fulfilled. Our military needs funding, not a reannouncement of funds previously committed or funds left over after the surplus has been protected.

The government has announced its commitment to the Kyoto accord despite the evidence that it will be very costly, and I believe they have taken the right course.

Canadians need to understand global warming is a reality and a serious challenge that the world is facing. In order to begin the task of cleaning up our environment, we must maintain our commitment through legislation and through investment. Canadians also need to understand that, in order to protect the environment for generations to come, it will take a serious and continued commitment for many years. Hopefully, the government will provide the leadership necessary to make that happen.

My hope is that in this minority Parliament the agenda may yet become focused on the real needs of Canadians. Health, education, a strong military equipped to protect our sovereignty and the environment are, for me, priorities that we must address. Hopefully, the influence of opposition parties will be brought to bear to ensure these priorities become the government’s priorities.

Honourable senators, Harry Truman, as President of the United States, had on his desk in the White House a sign that read, “The buck stops here.” I think it would be appropriate if the Prime Minister were to have a sign on his desk that reads, “Do what is right.”

Hon. Lowell Murray: Honourable senators, we are in the closing minutes of the last day of the Address in reply to the Speech from the Throne. Is it possible that I am to have the last word on this important document?

At any rate, let me congratulate the mover and seconder of the Address in reply to the Speech from the Throne, Senators Munson and Chaput, and thank them for having done us all proud in discharging a role that is so steeped in parliamentary history and tradition.

I also congratulate all those who have been appointed, notably Mr. Speaker, or elected, notably the Leader of the Opposition, to high office in this place. I join with those who have expressed their appreciation of the services of Senator Lynch-Staunton who almost, but not quite, set a modern record for longevity as opposition leader.

Honourable senators, permit me also to take this occasion to thank the government leadership in the Senate for their courtesy and consideration in nominating me to be a member of the National Finance Committee in the new session. Having chaired that committee during part of the Thirty-sixth Parliament and all of the Thirty-seventh Parliament, I look forward to participating in its work again.

[Translation]

As a result of the general election on June 28, the majority Liberal government was reduced to minority status. In such circumstances, the government’s first duty is to convene Parliament as soon as possible to seek a vote of confidence in the House of Commons. The current government postponed the opening of the new Parliament by three months, which is too long.

Before being given what I call a parliamentary mandate to govern, cabinet should not commit this country to major new initiatives or make important appointments, such as appointments to the Supreme Court of Canada. I know that bad precedents exist, but that does not change the basic principle.

[English]

What are we to make of the House of Commons since October 5 when the parties finally returned to Ottawa? The result of negotiations between the government and its opposition parties is that the throne speech — in other words, the government's program — has now been unanimously adopted, albeit with some anodyne amendments by the House of Commons. Here, I part company with my friends Senators LeBreton, Meighen and Austin who profess to see some virtue in this somewhat unprecedented process.

One amendment offers advice to the government on taxes. Another amendment asks for a vote on a ballistic missile defence, which the opposition could force anyway on an allotted day, if they chose to do so. Still another amendment asks the government to consider the "advisability" of initiating orders of reference with instructions on various subjects to three different standing committees of the House.

The Standing Orders of the Commons already permit committees to study and report on all matters coming within their mandates. Given the opposition majority on committees, they do not need any order of reference to study and report exactly what is contemplated in the amendment. In other words, the result of these elaborately and publicly negotiated amendments is that the government gave away nothing and neither the opposition nor the country gained anything.

The Leader of the Opposition in the Commons had it right in the early days of this session when he said that his job is to present a motion of non-confidence and let the Commons decide. Unfortunately, he was scared off this position by Liberal spin and media hype.

With regard to Mr. Harper's recent musings on whether Canada might adopt the Belgium federal and linguistic model, my innate compassion constrains me from piling on. He has already taken more than enough abuse for having launched his incautious trial balloon. Personally, my attitude is that if he wants to launch a debate on this alternative, let him do so. I believe that, at the end of such a debate, Canada would probably come to the same conclusion we did on several occasions in the past when the Belgium, or Swiss, or some other federal models were examined, namely, that those models could not be successfully transplanted to Canada.

Such a debate might also have a happy, if unintended, effect. It might persuade Mr. Harper and his colleagues that the official languages policy and programs we have had in place for some 35 years, are necessary to the future of our country, that, all things considered, they work, and that they do not need radical change.

Some Hon. Senators: Hear, hear!

• (1730)

Senator Murray: At that point, the united right could join in the consensus that has developed, slowly and sometimes painfully, over those years, fragile as it occasionally is. As matters now stand, opposition to linguistic duality is in their DNA. So long as they have not overcome it, they will never be able to unite the country nor win an election.

I cannot leave this subject without observing that the Liberals have been as shameless as ever in trying to exploit Mr. Harper's somewhat academic speculation for their own partisan purposes and in trying to create the impression that the country is in imminent peril and in need of Liberal salvation. I am sure Mr. Harper has learned something from the experience. I would have even more empathy for him had he and Preston Manning Reformers not joined with such relish in the 1990s chorus denouncing the Mulroney government for being "in bed with the separatists" and describing the Meech Lake and Charlottetown accords as a "sellout to Quebec." If I had the temerity to offer him a scriptural reference appropriate to his present predicament, it would be, "Whatsoever a man soweth, that shall he also reap," or, as we say in the less godly vernacular, "What goes around, comes around."

The rhetorical excesses aimed at poor Mr. Harper's aborted kite-flying is surpassed only by the jeremiads of some Trudeau-Chrétien Liberals and some media commentators regarding the federal-provincial health agreement last month. "Changing Canada by Stealth," read one headline. "Balkanization," cried others. "A slippery slope," said some. "Who speaks for Canada?" they demand to know. Senator Austin alluded to this earlier in the debate.

Mr. Martin's one mistake was to refer to the "distinct society" of Quebec in congratulating himself and his fellow first ministers on this achievement. In my humble opinion, it has nothing to do with "distinct society"; however, it has everything to do with the exercise of the federal spending power in an area of provincial jurisdiction, which is why the agreement has received general support across party lines in Parliament.

The agreement in question involves increased federal funding and a commitment by all governments to certain principles, including those of the Canada Health Act, and to certain objectives that are spelled out. Quebec, for its part, supported the agreement and also arrived at a separate agreement with Ottawa in which it reiterated its commitment to the first ministers' objectives and to the five principles of the Canada Health Act. It goes on to say, among other things, that federal funding would be used to implement Quebec's plan for renewal of its health system, and other more specific undertakings.

Some of the critics seem to think that in the field of health, where the provinces are already constrained by the provisions of the Canada Health Act, the federal government should try to impose new conditions whenever it increases its funding. I believe that the commitments in the federal-provincial agreement are as detailed as they could or should be, recognizing, as the section on wait times and access says, "the different starting points, priorities and strategies across jurisdictions."

Almost six years ago, Prime Minister Chrétien and the premiers of nine provinces and the territories signed the Framework to Improve the Social Union for Canadians. How does last month's health agreement square with the framework agreement? When it comes to the use of the federal spending power, the framework agreement commits all governments to work collaboratively "to identify Canada-wide priorities and objectives." The agreement then says: "Each provincial and territorial government will determine the detailed program design and mix best suited to its own needs and circumstances to meet the agreed objectives."

Further, the framework agreement goes on to provide for real provincial flexibility in the spending of federal money on the agreed objectives, and for an accountability framework to be agreed upon by Ottawa and the provincial-territorial governments.

The federal-provincial health accord signed by all governments last month and the separate agreement between the federal and Quebec governments are, in my humble opinion, entirely consistent with the letter and the spirit of the framework agreement of February 1999.

Further, I would draw the attention of honourable senators — especially those across from me — to an interview given by the Honourable Marc Lalonde to CPAC on October 15 last. Mr. Lalonde, once a senior adviser to Prime Minister Pearson and later a minister who held senior portfolios, including health, in the Trudeau government, made the following points: first, that there are plenty of precedents for federal-provincial agreements such as the health agreement, including Canada-Quebec agreements on immigration, family allowances and manpower; second, that the best system of accountability is from a government to its own electors, not from government to government; third, that decisions on modalities — whether, for example, federal health money goes to hospitals or home care — are really for the provinces to make; and, fourth, apropos the recent controversy about asymmetrical federalism, "We should be watchful not to get stuck in a kind of ideological posturing."

Finally, let me refer to equalization. The Senate, particularly our National Finance Committee, has some history on this issue. We did a study and made some recommendations in 2002, and we were well down the road with a revisit of the issue before dissolution of the Thirty-seventh Parliament last spring.

Following a first ministers' meeting last week, the Martin government announced its "new framework" for equalization. The formula was sweetened for this year, when a decline in payments might have kicked in otherwise. Next year the overall funding will be increased again, and after that there will be a growth rate of 3.5 per cent per year.

The government also announced its intention to appoint a panel of experts to report by the end of 2005 on a number of matters, notably including the allocation of the annual equalization allotment among provinces. However, instead of staying with the present allocation formula pending the panel's report, the government announced it will itself decide on the allocation for

2005-06. That decision was made and announced to the provinces last week. Half of the 2005-06 allocation will be based on a province's three-year average of its proportion of the total fund and half of the allocation is based on a three-year average of population.

There is no point mincing words, honourable senators. The federal government has manipulated the formula for next year to respond to pressures from British Columbia, which is determined to remain a recipient province for a while longer — and where a provincial election is due next year — and pressures from Quebec, which already receives almost 50 per cent of equalization funding. This stuff is potentially quite divisive, and I think the panel will have a hard time finding an allocation formula that is equitable and acceptable even to a majority of recipient provinces.

The expert panel is mandated to consider alternatives to the representative tax system now used and new measures of provincial fiscal capacity — macroeconomic variables, for example, and needs-based formulas. Our Senate committee looked at these and rejected them, at least for the present, but we certainly do not pretend that ours is the last word. However, I believe it is relevant to note that the provinces we heard from — and they were all recipient provinces — wanted to keep the equalization program whole. They wanted it strengthened. They did not want radical change.

It should also be noted that equalization as a proportion of GNP was about one-third higher 15 to 20 years ago than it is now. Further, the year-over-year percentage growth in equalization payments has almost always been less than that of federal tax revenues. When in any brief period federal revenue growth fell behind growth in equalization payments, the government moved swiftly, and at the first opportunity, to tweak the formula in such a way as to reverse that relationship.

Finally, equalization has not succeeded in closing the gap in fiscal capacity across the country. Statistics published by New Brunswick several years ago, for example, showed that province with a post-equalization fiscal capacity that was 91 per cent of a ten-province standard, 87 per cent of Ontario's and 63 per cent of Alberta's.

• (1740)

There will be much opportunity for further debate on all this when the legislation is before us.

The Hon. the Speaker: No senator rising to speak, and the Senate being subject to, in effect, an order to put the question today, I will put the question.

The question is on the motion in amendment of the Honourable Senator Kinsella, seconded by Honourable Senator Stratton, that the following be added to the Address:

and we urge —

Hon. Senators: Dispense.

The Hon. the Speaker: Shall I dispense?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Agreed.

Senator Murray: May I record my abstention?

The Hon. the Speaker: Because I have not quite heard a decisive response, let me ask this — and then I will come to you, Senator Murray.

Would those honourable senators in favour of the motion in amendment please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Would those honourable senators opposed to the motion in amendment please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the “yeas” have it.

Some Hon. Senators: On division.

The Hon. the Speaker: The motion in amendment passes, on division.

Honourable senators, we now move to the main motion, as amended. The question is now on the motion, as amended, of the Honourable Senator Munson, seconded by Honourable Senator Chaput —

Hon. Senators: Dispense.

The Hon. the Speaker: Shall I dispense, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: I will dispense. Is it your pleasure, honourable senators, to adopt the motion, as amended?

Hon. Senators: Agreed.

Motion, as amended, agreed to and Address in reply to the Speech from the Throne adopted.

On motion of the Honourable Senator Rompkey, ordered that the Address be engrossed and presented to Her Excellency the Governor General by the Honourable the Speaker.

BUSINESS OF THE SENATE

MOTION TO CHANGE COMMENCEMENT TIME ON WEDNESDAYS AND THURSDAYS AND TO EFFECT WEDNESDAY ADJOURNMENTS ADOPTED

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of October 28, 2004, moved:

That, for the remainder of the current session,

(a) when the Senate sits on a Wednesday or a Thursday, it shall sit at 1:30 p.m. notwithstanding rule (5)(1)(a);

(b) when the Senate sits on a Wednesday, it stand adjourned at 4 p.m., unless it has been suspended for the purpose of taking a deferred vote or has earlier adjourned; and

(c) where a vote is deferred until 5:30 p.m. on a Wednesday, the Speaker shall interrupt the proceedings, immediately prior to any adjournment but no later than 4 p.m., to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and that committees be authorized to meet during the period that the sitting is suspended.

Motion agreed to.

CITIZENSHIP ACT

BILL TO AMEND—THIRD READING

Hon. Noël A. Kinsella (Leader of the Opposition) moved third reading of Bill S-2, to amend the Citizenship Act.

Motion agreed to and bill read third time and passed.

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator Eyton, for the second reading of Bill S-14, to protect heritage lighthouses.—(*Honourable Senator Forrestall*)

Hon. Catherine S. Callbeck: Honourable senators, it gives me a great deal of pleasure to lend my support to Bill S-14. I commend Senator Forrestall for bringing this proposed legislation forward. A predecessor to this bill has been introduced three times previously in this house; all three times, the bill had died at prorogation, the first time in the Senate and second and third times in the other place.

I will be speaking briefly today on this proposed legislation, as I have already spoken at least twice before on it.

Senator Forrestall has outlined how this bill will protect heritage lighthouses. I believe it is important that we commit to that goal. The preservation and protection of Canada's heritage lighthouses is a matter of national significance to all Canadians. As stated in the preamble of the bill

...lighthouses have long graced Canada's rugged coastlines and majestic shores, providing and symbolizing direction, hope and safe harbour to generations of mariners;

...lighthouses form an integral part of Canada's identity, culture and heritage, and are of historic and aesthetic interest and significance to our communities and our nation.

For generations, along our rugged coastlines and peaceful shores, lighthouses have maintained their silent vigils of the sea. These sturdy structures, with their simple and majestic styles, are a vital fabric of our national identity, from sea to sea to sea. The protection and preservation of these distinctive structures means the protection and preservation of a vital part of Canadian history, heritage and culture.

From Cape Spear in Newfoundland, to Point Prim in Prince Edward Island, to Peggy's Cove in Nova Scotia, through coastal communities across Canada, to the Langara Point lighthouse in British Columbia, these lighthouses stand as proud and enduring testaments to a way of life. The preservation of these historic structures is a shared responsibility that belongs to all Canadians.

One of the shortfalls of the present system is that it provides little or no opportunity for public involvement. Across this country, there are many interested groups and citizens who want to take an active role in the protection of the lighthouses that are such an integral part of the lives of their communities. An increasing number of organizations has been established with the sole purpose of preserving and maintaining these sites. These organizations are invaluable partners in the effort to ensure the future integrity of the lighthouses and the history, heritage and culture associated with them.

This bill sets out ways in which the public has an opportunity to participate in the process of selecting and designating heritage lighthouses. The bill ensures public participation and support by enabling members of the public to propose the designation of lighthouses that they believe are deserving of protection.

There are 56 lighthouses in my own province of Prince Edward Island. Included among these distinctive structures is the Point Prim Lighthouse, the oldest in the province and the only brown brick lighthouse in Canada. Another is the lighthouse at Cape Bear, home to the Canadian Marconi station, which played such a significant role in wireless overseas communication.

On the island, as in any coastal community, lighthouses are an integral part of the landscape. They are part of our culture, our folklore, our songs and our stories. Increasingly they are playing an important role in the development of rural economies. The historic significance of these buildings to the communities of which they are so much a part is irreplaceable. It would be a great loss if heritage lighthouses were not saved. They are invaluable heritage resources and, once gone, so too are the opportunities they represent.

• (1750)

Bill S-14 will lead to the establishment of heritage standards for all designated lighthouses in Canada. It will help to facilitate new partnerships with local communities to give new life to these structures. This bill recognizes the cultural and historic significance of lighthouses and the importance of their place in the landscape as well as their potential as part of the revitalization of coastal communities. This proposed legislation will put a structure and process in place that will help to preserve these special buildings. Without the protection of this bill, we are in danger of losing forever a vital part of our past.

The Hon. the Speaker: Honourable senators, I wish to inform the Senate that if the Honourable Senator Forrestall speaks now, his speech will have the effect of closing the debate on the motion for second reading of this bill.

Hon. J. Michael Forrestall: Honourable senators, I want to take a brief moment to express my appreciation to Senators Lapointe, Callbeck, Carney and the many others who have been supportive of this bill over the last few years.

When Senator Callbeck mentioned the Langara Point Lighthouse, a letter that is in my office came to my mind. If one wants to understand a piece of Canadian history, the role of the lighthouse nationally and internationally and, more importantly, if you want to identify a Canadian family and its members, you need only look at the current and last lighthouse keeper, his wife and his family to find an outstanding example of dedication, love of country, concern for mariners and concern about the automation of lighthouses.

I mention that because I want to see this bill pass to protect these lighthouses. As they move to automation, slowly I hope, I want their visibility preserved. We are entitled to that. Many of you have travelled throughout the country and have seen what many communities have done with our railway stations. It is always a moment of pleasure to see what concern for these structures can produce.

With those few brief words, bearing in mind that there will be other opportunities to discuss the subject, I move that the matter be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

The Hon. the Speaker: It was moved by the Honourable Senator Forrestall, seconded by the Honourable Senator Eyton, that this bill be read a second time now. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Forrestall, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): In light of the advancing hour of six o'clock, I believe that if His Honour were to poll the chamber there would be agreement to stand all other items on the *Order Paper and Notice Paper*, except motion no. 42 standing in the name of Senator Stollery and to deal with that motion now.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: It is agreed that all remaining items, with the exception of Motion No. 42, will stand on the *Order Paper* and *Notice Paper* in their place. After we deal with Senator Stollery's motion, we will go to the adjournment motion.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO STUDY 2003-04 PERFORMANCE REPORTS OF DEPARTMENTS OF FOREIGN AFFAIRS, AND INTERNATIONAL TRADE AND THE CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

Hon. Peter A. Stollery, pursuant to notice of October 28, 2004, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to examine the Performance Reports for the period ending March 31, 2004 of: a) Foreign Affairs Canada; b) International Trade Canada; and c) Canadian International Development Agency, tabled in the Senate on October 28, 2004; and

That the Committee report to the Senate no later than March 31, 2005.

The Hon. the Speaker: It is moved by the Honourable Senator Stollery that the Standing Senate Committee on Foreign Affairs be authorized to —

Some Hon. Senators: Dispense.

The Hon. the Speaker: Shall I dispense, honourable senators?

Some Hon. Senators: Yes.

Hon. Terry Stratton (Deputy Leader of the Opposition): I have one question, if I may, for Senator Stollery. Is this a continuation of a previous study or is this a new study? Will there be a requirement for additional funds? What is the situation?

Senator Stollery: In response to the honourable senator, the committee has used this procedure before. It involves no funding and no budget is required. As some senators are aware, this allows us to look into the workings of the departments. We are waiting for Senator Di Nino before we decide how to proceed and what witnesses to call.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators to adopt the motion?

Motion agreed to.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before I turn to Senator Rompkey, Senator Morin has asked for the floor to request leave.

Hon. Yves Morin: Honourable senators I have a special request in respect of Motion No. 43, which recommends that the house calls upon the government to establish the first week of the month of November of each and every year, throughout Canada, as the national pain awareness week.

Honourable senators, the Canadian coalition against chronic pain —

The Hon. the Speaker: Allow me to interrupt, Senator Morin. Is it agreed, honourable senators, that we give leave to Senator Morin to speak to Motion No. 43?

Senator Morin: I will put the motion.

Senator Kinsella: We have to debate it.

The Hon. the Speaker: Senator Morin has asked for leave to put his motion.

Some Hon. Senators: It has to be debated.

Senator Lapointe: Agreed.

The Hon. the Speaker: Is it agreed Senator Stratton?

Hon. Terry Stratton (Deputy Leader of the Opposition): Surely we want to debate this motion. Is it Senator Morin's intention to put the motion and then adjourn the debate?

Senator Morin: I will not speak to it, but I intend to put the motion. If it were voted on, that would be ideal.

The Hon. the Speaker: If I correctly understand the wishes of honourable senators, they would like to hear debate and deal with the motion. I understand the honourable senator's point but I think that it is the disposition of this chamber that leave not be granted to revert.

Hon. Eymard G. Corbin: Will there be debate on this?

Some Hon. Senators: Yes.

The Hon. the Speaker: My interpretation is that leave will not be given to revert to Senator Morin's motion. He will have to move it at the next sitting of the Senate.

Senator Corbin: I was seeking information. I understood Senator Morin was to seek adoption of the motion today. I will not oppose his motion. I am inquiring whether any one will speak to the motion today.

• (1800)

The Hon. the Speaker: Before we do anything more, honourable senators, I see it is six o'clock. Do we agree not to see the clock?

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, if we could agree not to see the clock for a moment and to agree also that there obviously is need for debate. Some people want to speak on the motion. Could Senator Morin put the motion off until tomorrow? It will be dealt with tomorrow for sure. If we do that, people who want to speak can do so then.

Senator Morin: I will be happy to defer this matter until tomorrow.

The Senate adjourned until Wednesday, November 3, 2004, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Daniel P. Hays

THE LEADER OF THE GOVERNMENT

The Honourable Jack Austin, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Noël A. Kinsella

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

According to Precedence

(November 2, 2004)

The Right Hon. Paul Martin	Prime Minister
The Hon. Jacob Austin	Leader of the Government in the Senate
The Hon. Jean-C. Lapierre	Minister of Transport
The Hon. Ralph E. Goodale	Minister of Finance
The Hon. Anne McLellan	Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness
The Hon. Lucienne Robillard	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Stéphane Dion	Minister of the Environment
The Hon. Pierre Stewart Pettigrew	Minister of Foreign Affairs
The Hon. Andy Scott	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. James Scott Peterson	Minister of International Trade
The Hon. Andrew Mitchell	Minister of Agriculture and Agri-Food
The Hon. William Graham	Minister of National Defence
The Hon. Albina Guarnieri	Minister of Veterans Affairs
The Hon. Reginald B. Alcock	President of the Treasury Board and Minister responsible for the Canadian Wheat Board
The Hon. Geoff Regan	Minister of Fisheries and Oceans
The Hon. Tony Valeri	Leader of the Government in the House of Commons
The Hon. M. Aileen Carroll	Minister of International Cooperation
The Hon. Irwin Cotler	Minister of Justice and Attorney General of Canada
The Hon. Judy Sgro	Minister of Citizenship and Immigration
The Hon. Ruben John Efford	Minister of Natural Resources
The Hon. Liza Frulla	Minister of Canadian Heritage and Minister responsible for Status of Women
The Hon. Giuseppe (Joseph) Volpe	Minister of Human Resources and Skills Development
The Hon. Joseph Frank Fontana	Minister of Labour and Housing
The Hon. Scott Brison	Minister of Public Works and Government Services
The Hon. Ujjal Dosanjh	Minister of Health
The Hon. Ken Dryden	Minister of Social Development
The Hon. David Emerson	Minister of Industry
The Hon. Ethel Blondin-Andrew	Minister of State (Northern Development)
The Hon. Raymond Chan	Minister of State (Multiculturalism)
The Hon. Claudette Bradshaw	Minister of State (Human Resources Development)
The Hon. John McCallum	Minister of National Revenue
The Hon. Stephen Owen	Minister of Western Economic Diversification and Minister of State (Sport)
The Hon. Joseph McGuire	Minister of the Atlantic Canada Opportunities Agency
The Hon. Joseph Robert Comuzzi	Minister of State (Federal Economic Development Initiative for Northern Ontario)
The Hon. Mauril Bélanger	Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages, Minister responsible for Democratic Reform and Associate Minister of National Defence
The Hon. Carolyn Bennett	Minister of State (Public Health)
The Hon. Jacques Saada	Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie
The Hon. John Ferguson Godfrey	Minister of State (Infrastructure and Communities)
The Hon. Tony Ianno	Minister of State (Families and Caregivers)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(November 2, 2004)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld. & Lab.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.

Senator	Designation	Post Office Address
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Yves Morin	Lauzon	Quebec, Que.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Laurier L. LaPierre	Ontario	Ottawa, Ont.
Viola Léger	Acadie/New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Madeleine Plamondon	The Laurentides	Shawinigan, Que.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(November 2, 2004)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	C
Angus, W. David	Alma	Montreal, Que.	C
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	C
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	C
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	C
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	C
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	C
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	C
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld. & Lab.	PC
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Lib
Eyton, J. Trevor	Ontario	Caledon, Ont.	C
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	C
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jeremiah S.	Metro Toronto	Toronto, Ont.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	C
Harb, Mac.	Ontario	Ottawa, Ont.	Lib
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	C
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	C
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	C
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	C
Kirby, Michael	South Shore	Halifax, N.S.	Lib
LaPierre, Laurier L.	Ontario	Ottawa, Ont.	Lib
Lapointe, Jean	Saurel	Magog, Que.	Lib
Lavigne, Raymond	Montarville	Verdun, Que.	Lib
LeBreton, Marjory	Ontario	Manotick, Ont.	C
Léger, Viola	Acadie/New Brunswick	Moncton, N.B.	Lib
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	C
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovich, Francis William	Toronto	Toronto, Ont.	Lib
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	C
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Lib
Merchant, Pana	Saskatchewan	Regina, Sask.	Lib
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Morin, Yves	Lauzon	Quebec, Que.	Lib
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	C
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	C
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Plamondon, Madeleine	The Laurentides	Shawinigan, Que.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Lib
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Ind
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Lib
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	C
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Lib
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	Ind
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	C
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	C
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Lib
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
 (November 2, 2004)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Lorna Milne	Peel County	Brampton
16 Marie-P. Poulin	Northern Ontario	Ottawa
17 Francis William Mahovlich	Toronto	Toronto
18 Vivienne Poy	Toronto	Toronto
19 Isobel Finnerty	Ontario	Burlington
20 Laurier L. LaPierre	Ontario	Ottawa
21 David P. Smith, P.C.	Cobourg	Toronto
22 Mac Harb	Ontario	Ottawa
23 Jim Munson	Ottawa/Rideau Canal	Ottawa
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 John Lynch-Staunton	Grandville	Georgeville
4 Jean-Claude Rivest	Stadacona	Quebec
5 Marcel Prud'homme, P.C.	La Salle	Montreal
6 W. David Angus	Alma	Montreal
7 Pierre Claude Nolin	De Salaberry	Quebec
8 Lise Bacon	De la Durantaye	Laval
9 Céline Hervieux-Payette, P.C.	Bedford	Montreal
10 Shirley Maheu	Rougemont	Ville de Saint-Laurent
11 Lucie Pépin	Shawinigan	Montreal
12 Marisa Ferretti Barth	Repentigny	Pierrefonds
13 Serge Joyal, P.C.	Kennebec	Montreal
14 Joan Thorne Fraser	De Lorimier	Montreal
15 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
16 Yves Morin	Lauzon	Quebec
17 Jean Lapointe	Saurel	Magog
18 Michel Biron	Milles Isles	Nicolet
19 Raymond Lavigne	Montarville	Verdun
20 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
21 Madeleine Plamondon	The Laurentides	Shawinigan
22		
23		
24		

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Michael Kirby	South Shore	Halifax
2 Gerald J. Comeau	Nova Scotia	Saulnierville
3 Donald H. Oliver	Nova Scotia	Halifax
4 John Buchanan, P.C.	Halifax	Halifax
5 J. Michael Forrestall	Dartmouth and the Eastern Shore	Dartmouth
6 Wilfred P. Moore	Stanhope St./Bluenose	Chester
7 Jane Cordy	Nova Scotia	Dartmouth
8 Gerard A. Phalen	Nova Scotia	Glace Bay
9 Terry M. Mercer	Northend Halifax	Caribou River
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Viola Léger	Acadie/New Brunswick	Moncton
7 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
8 Pierrette Ringuette	New Brunswick	Edmundston
9 Marilyn Trenholme Counsell	New Brunswick	Sackville
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Victoria Beach
5 Maria Chaput	Manitoba	Sainte-Anne
6		

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C.	Vancouver South	Vancouver
2 Pat Carney, P.C.	British Columbia	Vancouver
3 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
4 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
5 Mobina S.B. Jaffer	British Columbia	North Vancouver
6		

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 A. Raynell Andreychuk	Regina	Regina
3 Leonard J. Gustafson	Saskatchewan	Macoun
4 David Tkachuk	Saskatchewan	Saskatoon
5 Pana Merchant	Saskatchewan	Regina
6		

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Tommy Banks	Alberta	Edmonton
4		
5		
6		

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
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THE HONOURABLE

1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
3 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
4 Joan Cook	Newfoundland and Labrador	St. John's
5 George Furey	Newfoundland and Labrador	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador	Gander

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
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THE HONOURABLE

1 Nick G. Sibbeston	Northwest Territories	Fort Simpson
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NUNAVUT—1

Senator	Designation	Post Office Address
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THE HONOURABLE

1 Willie Adams	Nunavut	Rankin Inlet
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YUKON TERRITORY—1

Senator	Designation	Post Office Address
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THE HONOURABLE

1 Ione Christensen	Yukon Territory	Whitehorse
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ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of November 2, 2004)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Sibbeston

Deputy Chair: Honourable Senator St. Germain

Honourable Senators:

Angus,	Fitzpatrick,	Léger,	St. Germain,
* Austin,	Gustafson,	Mercer,	Trenholme Counsell,
(or Rompkey)	* Kinsella,	Pearson,	Watt.
Buchanan,	(or Stratton)	Sibbeston,	
Christensen,			

Original Members as nominated by the Committee of Selection

Angus, *Austin, (or Rompkey), Buchanan, Christensen, Fitzpatrick, Gustafson,
 *Kinsella (or Stratton), Léger, Mercer, Pearson, Sibbeston, St. Germain, Trenholme Counsell, Watt

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

* Austin,	Gill,	* or Kinsella,	Oliver,
(or Rompkey)	Gustafson,	(or Stratton)	Ringuette,
Callbeck,	Hubley,	Mahovlich,	Sparrow,
Fairbairn,	Kelleher,	Mercer,	Tkachuk.

Original Members as nominated by the Committee of Selection

*Austin, (or Rompkey), Callbeck, Fairbairn, Gustafson, Harb, Hubley, Kelleher,
 *Kinsella (or Stratton), Mahovlich, Mercer, Oliver, Ringuette, Sparrow, Tkachuk.

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,	Fitzpatrick,	* Kinsella,	Moore,
* Austin,	Grafstein,	(or Stratton)	Oliver,
(or Rompkey)	Harb,	Massicotte,	Plamondon,
Biron,	Hervieux-Payette,	Meighen,	Tkachuk.

Original Members as nominated by the Committee of Selection

Angus, *Austin, (or Rompkey), Biron, Fitzpatrick, Grafstein, Harb, Hervieux-Payette, Kelleher,
 *Kinsella (or Stratton), Massicotte, Meighen, Moore, Plamondon, Tkachuk.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Cochrane

Honourable Senators:

Adams,	Banks,	Finnerty,	* Kinsella,
Angus,	Buchanan,	Gustafson,	(or Stratton)
* Austin,	Christensen,	Kenny,	Lavigne,
(or Rompkey)	Cochrane,		Milne,
			Spivak.

Original Members as nominated by the Committee of Selection

*Adams, Angus, *Austin, (or Rompkey), Banks, Buchanan, Christensen, Cochrane, Finnerty, Gill, Gustafson, *Kinsella (or Stratton), Lavigne, Milne, Spivak.*

FISHERIES AND OCEANS

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Hubley

Honourable Senators:

Adams,	Comeau,	* Kinsella,	Meighen,
* Austin,	Hubley,	(or Stratton)	Phalen,
(or Rompkey)	Johnson,	Mahovlich,	St. Germain,
			Watt.

Original Members as nominated by the Committee of Selection

*Adams, *Austin, (or Rompkey), Bryden, Comeau, Cook, Fitzpatrick, Hubley, Johnson, *Kinsella (or Stratton), Mahovlich, Meighen, Phalen, St. Germain, Watt.*

FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Di Nino

Honourable Senators:

Andreychuk,	Corbin,	Eyton,	Mahovlich,
* Austin,	De Bané,	Grafstein,	Prud'homme,
(or Rompkey)	Di Nino,	* Kinsella,	Robichaud,
Carney,	Downe,	(or Stratton)	Stollery.

Original Members as nominated by the Committee of Selection

*Andreychuk, *Austin, (or Rompkey), Carney, Corbin, De Bané, Di Nino, Downe, Eyton, Grafstein, *Kinsella (or Stratton), Poy, Prud'homme, Robichaud, Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Pearson

Honourable Senators:

Andreychuk, * Austin, (or Rompkey)	Carstairs, Ferretti Barth, LaPierre,	Kinsella, (or Stratton), LeBreton,	Losier-Cool, Oliver, Pearson, Poy.
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Original Members as nominated by the Committee of Selection

*Andreychuk, *Austin, (or Rompkey), Carstairs, Ferretti Barth, *Kinsella (or Stratton),
LaPierre, LeBreton, Oliver, Pearson, Poulin, Poy.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Interim Deputy Chair: Honourable Senator Nolin

Honourable Senators:

* Austin, (or Rompkey) Bank, Cook, Day,	De Bané, Di Nino, Furey, Jaffer, Kenny,	Keon, * Kinsella, (or Stratton) Lynch-Staunton, Massicotte,	Nolin, Poulin, Smith, Stratton.
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Original Members as nominated by the Committee of Selection

**Austin, (or Rompkey), Banks, Cook, Day, De Bané, Di Nino, Furey, Jaffer, Kenny, Keon,
Kinsella (or Stratton), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Eyton

Honourable Senators:

Andreychuk, * Austin, (or Rompkey) Bacon, Cools,	Eyton, Joyal, * Kinsella, (or Stratton)	Mercer, Milne, Nolin, Pearson,	Ringuette, Rivest, Sibbeston.
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Original Members as nominated by the Committee of Selection

*Andreychuk, *Austin, (or Rompkey), Bacon, Cools, Eyton, Joyal, *Kinsella (or Stratton),
Mercer, Milne, Nolin, Pearson, Ringuette, Rivest, Sibbeston.*

LIBRARY OF PARLIAMENT (Joint)

Joint Chair:

Vice-Chair:

Honourable Senators:

Lapointe,	Poy,	Stratton,	Trenholme Counsell.
LeBreton,			

Original Members agreed to by Motion of the Senate
Lapointe, LeBreton, Poy, Stratton, Trenholme Counsell.

NATIONAL FINANCE

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Day

Honourable Senators:

* Austin,	Cools,	* Kinsella,	Oliver,
(or Rompkey)	Day,	(or Stratton)	Ringuette,
Biron,	Ferretti Barth,	Mercer,	Stratton.
Comeau,	Harb,	Murray,	

Original Members as nominated by the Committee of Selection

**Austin, (or Rompkey), Biron, Comeau, Cools, Day, Ferretti Barth, Finnerty, Harb,*
**Kinsella (or Stratton), Mahovlich, Murray, Oliver, Ringuette, Stratton.*

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Forrestall

Honourable Senators:

Atkins,	Kenny,	Lynch-Staunton,	Munson,
* Austin,	* Kinsella,	Meighen,	Rompkey,
(or Rompkey)	(or Stratton)	Moore,	Trenholme Counsell.
Forrestall,			

Original Members as nominated by the Committee of Selection

*Atkins, *Austin, (or Rompkey), Banks, Cordy, Day, Forrestall, Kenny,*
**Kinsella (or Stratton), Lynch Staunton, Meighen, Munson.*

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,	Day,	* Kinsella,	Meighen.
* Austin,	Forrestall,	(or Stratton)	
(or Rompkey)	Kenny,		

OFFICIAL LANGUAGES

Chair: Honourable Senator Corbin

Deputy Chair: Honourable Senator Buchanan

Honourable Senators:

* Austin,	Chaput,	Jaffer,	Léger,
(or Rompkey)	Comeau,	* Kinsella,	St. Germain.
Buchanan,	Corbin,	(or Stratton)	

*Original Members agreed to by Motion of the Senate*** Austin, (or Rompkey), Chaput, Comeau, Corbin, Jaffer, *Kinsella (or Stratton), Lavigne, Léger, Meighen, Merchant, St. Germain.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Smith

Deputy Chair: Honourable Senator Lynch-Staunton

Honourable Senators:

Andreychuk,	Di Nino,	* Kinsella,	Maheu,
* Austin,	Fraser,	(or Stratton)	Milne,
(or Rompkey)	Furey,	LeBreton,	Robichaud,
Chaput,	Jaffer,	Lynch-Staunton,	Smith.
Cools,	Joyal,		

*Original Members as nominated by the Committee of Selection**Andreychuk, * Austin, (or Rompkey), Chaput, Cools, Di Nino, Fraser, Furey, Jaffer, Joyal, *Kinsella (or Stratton), LeBreton, Lynch Staunton, Maheu, Milne, Poulin, Robichaud, Smith.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Bryden

Vice-Chair:

Honourable Senators:

Baker,	Bryden,	Kelleher,	Moore,
Biron,	Hervieux-Payette,	Lynch-Staunton,	Nolin.

Original Members as agreed to by Motion of the Senate

Baker, Biron, Bryden, Hervieux-Payette, Kelleher, Lynch-Staunton, Moore, Nolin.

SELECTION

Chair: Honourable Senator Losier-Cool

Deputy Chair: Honourable Senator LeBreton

Honourable Senators:

* Austin,	Carstairs,	* Kinsella,	Losier-Cool,
(or Rompkey)	Comeau,	(or Stratton)	Rompkey,
Bacon,	Fairbairn,	LeBreton,	Stratton,
			Tkachuk.

Original Members agreed to by Motion of the Senate

**Austin, (or Rompkey), Bacon, Carstairs, Comeau, Fairbairn,*

**Kinsella (or Stratton), LeBreton, Losier-Cool, Rompkey, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby

Deputy Chair: Honourable Senator Keon

Honourable Senators:

* Austin,	Cook,	Johnson,	Kirby,
(or Rompkey)	Cordy,	Keon,	LeBreton,
Callbeck,	Fairbairn,	* Kinsella,	Morin,
Cochrane,	Gill,	(or Stratton)	Pépin.

Original Members as nominated by the Committee of Selection

**Austin, (or Rompkey), Callbeck, Cochrane, Cook, Cordy, Fairbairn, Gill, Johnson, Keon, *Kinsella (or Stratton), Kirby, LeBreton, Morin, Pépin.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Fraser

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

* Austin, (or Rompkey)	Chaput, Eyton,	LaPierre, * Kinsella, (or Stratton)	Munson, Phalen,
Baker, Carney,	Fraser, Johnson,	Merchant,	Tkachuk, Trenholme Counsell.

Original Members as nominated by the Committee of Selection

* Austin, (or Rompkey), Baker, Carney, Eyton, Fraser, Gill, Johnson,
* Kinsella (or Stratton), LaPierre, Merchant, Munson, Phalen, Tkachuk, Trenholme Counsell.

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CANADA

Debates of the Senate

1st SESSION

• 38th PARLIAMENT

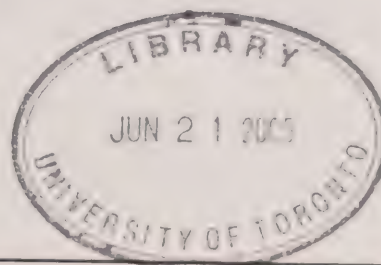
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OFFICIAL REPORT
(HANSARD)

Wednesday, November 3, 2004

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, November 3, 2004

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

CULINARY YOUTH TEAM CANADA

WORLD CULINARY OLYMPICS—CONGRATULATIONS ON WINNING GOLD AND SILVER MEDALS

Hon. Elizabeth Hubley: Honourable senators, fine cooking is a great art and for many years now, Prince Edward Island has been the home of the Culinary Institute of Canada, one of this country's most prestigious schools of fine cooking. Graduates of the Culinary Institute, part of Holland College, are to be found in many of the world's leading restaurants, hotels and inns. The Culinary Institute has contributed greatly to the quality of service within the provincial hospitality industry. This is why I was not surprised to learn that all the members of Culinary Youth Team Canada that recently competed at the World Culinary Olympics in Erfurt, Germany, and who came away with gold and silver medals in two categories, are graduates of the Culinary Institute of Canada in Charlottetown.

The proud members of the Culinary Youth Team are Kreg Graham, from Pinawa, Manitoba; Rebecca Hutchings, from Brown's Arm, Newfoundland; Tommy Archibald, from Ingonish Beach, Nova Scotia; Kelly Clark, from Rankin Inlet, Nunavut; Gillian Gilfoy, from Antigonish, Nova Scotia; Mark Sheehy, from Hillsborough, New Brunswick; Gerald Sharpe, from Upper Island Cove, Newfoundland; and Natalie Fortier, from Prescott, Ontario. The team was headed up by Culinary Institute of Canada chefs Hans Anderegg, Richard Braunauer and Craig Youdale.

Honourable senators, before competing first at the national level in Toronto, Culinary Youth Team Canada began training at the institute in Charlottetown a full 18 months earlier, putting in thousands of hours in the practice kitchens and preparing hundreds of practice dinners. All of this hard work certainly paid off with two medals, a fifth place overall standing among 16 competing countries and the best finish ever by a Canadian national youth team.

I know all honourable senators will join me in congratulating the Culinary Institute of Canada and the members of the Culinary Youth Team Canada for their outstanding achievement.

Hon. Senators: Hear, hear!

REMEMBRANCE DAY 2004

Hon. Gerry St. Germain: Honourable senators, it is with great humbleness and respect that I speak to you today in preparation of our country's yearly remembrance of the great sacrifices many Canadians have made in places of conflict and times of war.

These sacrifices were made both to protect and provide the freedom and democracy that we enjoy to this day — that freedom being the right to live life with relative autonomy and dignity in a country unrestricted by tyranny.

Honourable senators, this year we would do well to remember a number of different aspects of this sacrifice. We would do well to remember the mothers and fathers who willingly said goodbye to their sons and daughters, many for the last time. We would do well to remember the wives who lost husbands and the children who grew up without fathers. We would do well to remember those in our communities who, on November 11, will mourn the loss of family and friends killed in the line of duty. Most of all, we would do well to remember those who made the ultimate sacrifice: giving up their lives for the cause of liberty and free democracies.

Honourable senators, as members of a democratic government concerned with fostering freedom in the world, it is our duty to preserve the memory of what our freedom has cost. Furthermore, we must also pay adequate respect to these sacrifices by taking the necessary steps to ensure that what these soldiers fought and died for was not in vain. This means, among other things, protecting the values of a free democracy, raising children who are willing and able to contribute to the protection of freedom, and promoting a military strong and decisive in action.

I am reminded of the famous war poem by John McCrae in which he begs us not just to "hold the torch" but to "hold it high."

Honourable senators, freedom must be held as a beacon for all the world to see. I hope you will join with others on November 11 in reflection and remembrance, vowing once again to remain faithful to those who perished for our liberty.

VIOLENCE AGAINST WOMEN

Hon. Mobina S. B. Jaffer: Honourable senators, did you ever have to run for your life? Were you or a loved one a victim of sexual violence while your family watched? Did you ever have to protect your young children from rape? "In some countries the demands on women are limitless; but in war, the most insane fantasies have found their expression. When seven soldiers rape a woman or little girl, for them the woman is no longer a human being, she is an object."

Marguerite is 40 years old and a widow. She indicated that in October 2002, two insurgents forced their way into her house at night and raped her. She said:

They took me in front of my children and began to rape me. Frédéric, my eight-year-old son, was very frightened and began to cry and shout. The soldiers turned around, as they were raping me, and shot him dead... Before leaving, they set fire to the house.

This is the reality of many women around the world. Marguerite's story, among many others, was captured in a report by Amnesty International that illustrates the horror of mass rape in countries such as the Democratic Republic of Congo.

Honourable senators, last Sunday marked the fourth anniversary of United Nations Security Council Resolution 1325 that addresses issues surrounding women, peace and security, including protection of women and girls from gender-based violence, which was the theme of this year's Security Council open debate of the resolution. When I addressed the Security Council on behalf of the Human Security Network, a group of 13 countries which identify concrete areas for collective action for human security, I said:

We know that hundreds of thousands of women and girls have been raped in situations of armed conflict, and that sexual exploitation continues to be used as a tool of war in many countries.

Honourable senators, as we sit in this remarkable chamber, we must not forget that these atrocities are happening every second of every day and that they can be lessened with the implementation of resolution 1325. As Canadians, we must be vigilant in addressing the issues of gender-based violence and the calls for action in resolution 1325. We owe it to women like Marguerite.

• (1340)

THE LATE SHIEKH ZAYED BIN SULTAN AL-NAHAYAN OF UNITED ARAB EMIRATES

Hon. Marcel Prud'homme: Honourable senators, today the world mourns the passing of Sheikh Zayed bin Sultan al-Nahayan, President and founder of the United Arab Emirates.

Sheikh Zayed was genuinely loved and respected by citizens as well as by world leaders. He was known for his compassion, his generosity and his foresight. He was admired because he led by example through consultation and consensus when dealing with the region's leaders.

Under Sheikh Zayed's rule, the country was transformed into an oasis of freedom and development in the Middle East. He instilled the values of religious tolerance and equality, especially for women.

Sheikh Zayed is credited with having distributed the nation's oil wealth fairly throughout the country, ensuring a stable social and political system. He also shared the nation's wealth with developing countries in the region.

He was known for his love of the desert and its environment. The much-loved ruler shared many of Canada's ideals, including peace in the Middle East.

Both men and women, he believed, should play their part, and, through his support for the General Women's Union, led by his

wife, Her Highness Sheikh Fatima bint Mubarak, he ensured that the women of the United Arab Emirates were provided with everything that was necessary to enable them to play a full part in the life of the country, in accordance with Islamic tradition.

Sheikh Zayed imbibed the principles of Islam in his childhood and held firmly to them throughout his life. In particular, he felt that Islam was best characterized by its principles of tolerance, mercy and forgiveness, and I want to emphasize this here. In his latter years, he was a confirmed and dedicated opponent of those who pervert Islam in an attempt to justify intolerance and violence. Such people, he felt, were apostates who had abandoned the basic precepts of Islam.

His presence will be missed.

I am sure we all offer — as they will do in the House of Commons — our deepest sympathy to His Excellency Mr. Hassan M. O. Al-Suwaidi, Ambassador of the United Arab Emirates here in Ottawa, asking him to transmit this message to the family of Sheikh Zayed bin Sultan al-Nahayan and to all the people of the United Arab Emirates.

EXODUS OF PROFESSIONALS FROM AFRICA

Hon. Donald H. Oliver: Honourable senators, I rise today to call your attention to a crisis that the United Nations has called "the most serious threat to the economic development of sub-Saharan Africa." I am referring to the exodus of talented African professionals, lawyers, doctors, engineers and professors who leave the continent on a regular basis. To put it simply, I am referring to Africa's brain drain.

United Nations officials have recently stated that Africa's brain drain should be treated on a similar level to famine, civil war and even the AIDS epidemic. In an article that appeared in the *Ottawa Citizen* on October 4, the Kenyan Medical Association warned that the brain drain is threatening the very existence of Kenya's health services.

According to the International Organization for Migration, an agency affiliated with the United Nations, Africa has already lost one third of its intellectual capital. Since 2000, it is estimated that Ethiopia has lost 75 per cent of its talented professionals. This has done irreparable damage to Africa's development efforts.

The Association for Higher Education and Development — called AHEAD — an Ottawa-based organization dedicated to the development of higher education in Africa, estimates that African nations spend US\$4 billion per year to replace departing African professionals. Ethiopia spends more than \$5 million alone. Honourable senators will agree that these are dollars that African nations can ill afford.

On September 18, I was pleased to attend AHEAD's fifth anniversary celebration here in Ottawa. The main objective of AHEAD is to contribute toward the improvement of education in Ethiopia by soliciting, acquiring and delivering educational materials that help advance education in Ethiopian universities and colleges.

I saw the contributions AHEAD has made to African development by awarding scholarships to medical students and by giving medical books donated by the Honourable Senator Keon to university libraries in Ethiopia.

Organizations like AHEAD have a critical role to play in stemming the exodus of talent in African nations. By forming partnerships with African professionals residing in Canada, organizations like AHEAD create mentors who can nurture the career development of talented African-Canadians and encourage them to give back to their homeland.

In conclusion, honourable senators, Africa's current brain drain has stagnated its economic and technological growth, weakened its institutions and destroyed its ability to fight poverty, hunger and illiteracy. Only with strong leadership and cooperation can we combat Africa's brain drain and pave the way for unprecedented results.

ROUTINE PROCEEDINGS

COMMONWEALTH PARLIAMENTARY ASSOCIATION

EXECUTIVE COMMITTEE MEETING,
APRIL 18-24, 2004—REPORT TABLED

Hon. Dan Hays: Honourable senators, I request leave to table the report of the Commonwealth Parliamentary Association executive committee meeting held in Kampala, Uganda, from April 18 to 24, 2004.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

EXPORT DEVELOPMENT CANADA

2002-03 ANNUAL REPORT TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, Export Development Canada's 2002-03 annual report.

EXPORT OF MILITARY GOODS FROM CANADA

2002 ANNUAL REPORT TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Department of International Trade's 2002 annual report on the export of military goods from Canada.

[English]

OFFICIAL LANGUAGES HUMAN RIGHTS NATIONAL SECURITY AND DEFENCE

NOTICES OF MOTION TO AUTHORIZE COMMITTEES TO MEET DURING ADJOURNMENT OF SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, notwithstanding rule 58(1)(i), I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committees on Official Languages, Human Rights and National Security and Defence be empowered, in accordance with rule 95(3), to sit on Monday, November 15, 2004, even though the Senate may then be adjourned for a period exceeding a week.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

SIXTH CONFERENCE OF ARCTIC REGION
PARLIAMENTARIANS, SEPTEMBER 3-5, 2004—
REPORT TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation in the Sixth Conference of Parliamentarians of the Arctic Region held in Nuuk, Greenland, from September 3 to 5, 2004.

FOURTH PART, 2004 ORDINARY SESSION
OF PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF
EUROPE, OCTOBER 4-8, 2004—REPORT TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation to the Fourth Part of the 2004 Ordinary Session of the Parliamentary Assembly of the Council of Europe held in Strasbourg, France, from October 4 to 8, 2004.

• (1350)

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITION

Hon. Lorna Milne: Honourable senators, I have the honour to present 1,432 signatures from Canadians in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick and Nova Scotia who are researching their ancestry, as well as signatures from 317 people from 13 states of the United States and one from South Africa who are researching their Canadian roots. A total of 1,750 people are petitioning the following:

Your Petitioners call upon Parliament to take whatever steps necessary to retroactively amend the Confidentiality-Privacy clauses of Statistics Acts since 1906, to allow release to the public after a reasonable period of time, of post-1901 Census reports starting with the 1906 Census.

Including the 20,987 signatures I presented to the Thirty-seventh Parliament and over 6,000 signatures I presented to the Thirty-sixth Parliament, I have presented petitions with over 28,737 signatures all calling for immediate action on this very important matter of Canadian history.

QUESTION PERIOD

CANADA-UNITED STATES RELATIONS

RESOLUTION OF TRADE ISSUES— POLICY FOR CABINET MEMBERS IN REPRESENTING GOVERNMENT

Hon. W. David Angus: Honourable senators, now that we know the outcome of the election south of the border, that George W. Bush has been re-elected President of the United States, the Prime Minister and his government surely have their work cut out to fulfill their earlier promise of a more mature and positive relationship with our good neighbours in the United States.

During recent weeks, it appears that, once again, they have painted themselves and our country into a very tight corner. Members of the government, including the Honourable Stéphane Dion and the Honourable Joseph Volpe, when asked who should win the election, referred to the non-victorious Democratic party. I wonder how they will deal with the victorious party of Mr. Bush and his administration given their past record of sensitivity to these kinds of disparaging comments from their neighbours to the north.

My question is for the Leader of the Government. At the moment, many issues in Canada concerning its relationship with the U.S. require urgent attention and positive action, such as softwood lumber and BSE. What does this government plan to do in these circumstances other than resign from office and go to the people to fix Canada-U.S. relations so that those issues can be positively dealt with and amended made with our friends to the south?

Hon. Jack Austin (Leader of the Government): I thank Honourable Senator Angus for his question. The relationship between the Government of Canada and the Government of the United States is on extremely good terms. Ambassador Cellucci has repeated often that the United States believes Canada to be a significant partner and that the relationship between the United States and Canada is excellent. There is no substance to the suggestion that there is anything out of the ordinary in respect of the relationships of this government.

The disputes to which the honourable senator refers are serious. I spoke yesterday in the Senate about the softwood lumber issue, and the BSE issue is equally significant. However, those issues are in the process of legal determination under treaties between

Canada and the United States, including NAFTA, which was negotiated by the government of Brian Mulroney. Those rules apply to the process and that is the Canadian position. I thank the honourable senator for his concern, but I do not believe it to be well based.

Senator Angus: I refer honourable senators to the comments of the Prime Minister in recent months that remarks made by some members of his caucus were inappropriate in their disparaging nature vis-à-vis the United States. Subsequent to the Prime Minister's comments, one of those same people, Ms. Parrish, was quoted in the *Montreal Gazette* on August 30, 2004, as saying: "I feel very badly for the American people and I hope sincerely that they change presidents in November." I hope that honourable senators will agree when I say that I consider those words to be "quasiment pejoratif."

In *The Globe and Mail* of October 21, Mr. Denis Coderre is quoted as saying, "I am for Kerry." He maintained that the Democrats are a better fit for the Liberals.

[Translation]

Honourable senators, is that any way to negotiate with our friends to the south in the United States?

[English]

What steps has this Prime Minister taken to stop and to muzzle his caucus colleagues from making these remarks that are so clearly derogatory to the administration to the south?

Senator Austin: Honourable senators —

Senator Robichaud: Let us have muzzles now.

Senator Austin: Honourable senators, it is fascinating. Senator Angus is representing his definition of political democracy to us. He has quoted the views of two non-cabinet ministers. Certainly, in the Liberal Party, while we may not appreciate certain views, we do not stop or muzzle our members from expressing their views. They have an electorate to whom they are responsible and, of course, they are responsible to the party. However, tolerance and freedom of opinion is very much a Liberal philosophy.

Senator Angus: Honourable senators, I may have quoted two non-cabinet ministers because I wanted to give the leader an opportunity. It would seem to me to be more reasonable in Liberal tradition to muzzle backbenchers. Allow me to quote two cabinet ministers. The Honourable Minister of the Environment, Stéphane Dion, when asked his preference in the U.S. election, said —

[Translation]

— he would prefer Mr. Kerry.

[English]

Minister of Human Resources and Skills Development, Joseph Volpe, said in *The Globe and Mail* of October 21: "Intellectually, I'm attracted to Kerry." He described at some length, going back to the days of John F. Kennedy, how Canadians have entered into

a marriage of thought with the Democratic Party of the U.S. Will this continue? Is this the way in which this government intends to establish a more mature and productive rapport with our friends, the United States?

Senator Austin: As I said repeatedly, and it is absolutely true, our relationship with the United States is on excellent terms. There is no evidence that Senator Angus, or anyone opposite, will produce anything to the contrary.

With respect to ministers Dion and Volpe, they likely would have been better advised to keep their personal opinions to themselves. They do not speak for the government on matters of foreign policy. To that end, we have a foreign minister, an international trade minister and a development minister. However, they are Canadians and they are, perhaps, people who are used to the Liberal tradition of voicing their thoughts.

• (1400)

I want to defend, again, the tradition of my political party which encourages dialogue, which does not have a party doctrine, and which does not suppress its members in the interests of a so-called constituency interest. This is a party of free debate, a party that debates its policies.

I challenge senators opposite: Next March, when their party holds a policy convention, we will look with great interest on the openness, the freedom and the willingness to challenge that which is expressed by their party.

Senator Angus: We will be in cabinet by then.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, my supplementary question speaks to the issue of the doctrine of cabinet solidarity. I should like to know when, in the mind of the Leader of the Government in the Senate, do ministers speak for the government and when do ministers not speak for the government?

Senator Austin: Ministers certainly do speak for government when they are speaking within the terms of their ministerial mandate.

Senator Kinsella: Does the doctrine of cabinet solidarity not apply in my honourable friend's government?

Senator Austin: There is a doctrine of cabinet solidarity and when a government adopts a policy, the members of the government are bound to support that policy. This is true of legislation, this is true of white papers and this is true of statements by the Prime Minister on behalf of the government.

Senator Kinsella: Is the leader advising the house that he does not share the view of his two cabinet colleagues who were referred to by Senator Angus?

Senator Austin: Honourable senators, I admire that question, but I have no answer to it.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I have a supplementary question, and I know Senator Gustafson will ask the same question. How will this resolve the BSE crisis? How will this solve the softwood lumber crisis, when we have Liberal members telling the world, and particularly the United States and its President, that they do not want to have anything to do with them? What does he think the impact is on that administration when ministers of the Crown speak as they do? Does he think that goes in any way, shape or form to solving the problems that exist?

Senator Austin: The phrase that Senator Stratton uses, "...they do not want anything to do with them," is absolutely ridiculous. The message is one that has no impact on our relationships with the United States. I have said repeatedly that our relationship with the Government of the United States is a most sophisticated and mature one and it works in the interests of both countries.

Senator Kinsella: How will our American friends know, when a minister of this government visits Washington and speaks to the Americans, whether that minister is speaking for the government or not speaking for the government under the new doctrine that has just been enunciated?

Senator Austin: I have announced no new doctrine with respect to cabinet solidarity. The relationship with the United States is one in which we have sophisticated dialogue about many sophisticated issues, and senior officials of the United States would be astonished to hear the questions posed by opposition members here today.

Hon. Leonard J. Gustafson: Honourable senators, as a supplementary question to Senator Angus's question, the United States is Canada's greatest trading partner in that 85 per cent of all our trade is with the United States. The economy of Canada is dependent on that trade.

What is the reaction of the Leader of the Government in the Senate when the American people are brought to task or misrepresented? Frankly, I am most concerned about the anti-Americanism that is growing in Canada. We hear it on the news every night, it is very general. We trade 85 per cent of our product with the Americans. What can be done to deal with this situation?

Senator Austin: Honourable senators, our relationship with the United States has not been impaired. Nothing need be done respecting our overall relationship with the United States. That relationship, as I have said repeatedly, is excellent. The American ambassador, Ambassador Cellucci, also believes our relationship is excellent.

Now that the election period in the United States is over, Canadians must make a first-class, united effort to represent our economic interests. BSE, softwood lumber and many other issues must be put on the agenda of the United States Administration and Congress in the near future so that they may be resolved.

Senator Gustafson: Before BSE became an issue, we had a buoyant cattle industry in Canada because we had an open border with the United States. One of the successes of agriculture was as a result of cattle being allowed to move freely into the United States. We know the price we have paid since that has been stopped.

It seems to me that there should be a great deal of caution exercised by the government in handling these situations, and that is especially important for ministers to bear in mind. Will the leader admit that the government has been a little careless in this area?

Senator Austin: Honourable senators, not at all. I think that the government's record in dealing with BSE, softwood lumber and some other trade issues has been exemplary. The Government of Canada did not create these problems and we have not aggravated them.

We have dealt with each of these issues effectively. For example, with respect to BSE, we have the representations of the Canadian Cattlemen's Association supporting and, indeed, praising the government's measures. With respect to softwood lumber, the Canadian Lumber Producers have said that the Canadian government has taken every step that they required in order to represent their interests and Canada's interests.

The Government of Canada has a huge responsibility to achieve success in all these measures. I am fascinated by the attempt of the opposition senators today to bring a tone of discredit to a government that deserves none.

Hon. David Tkachuk: Since the election at the end of June, how many meetings has Prime Minister Martin had with the Ambassador to the United States on BSE and softwood lumber?

Senator Austin: I will take notice of that question.

FOREIGN AFFAIRS

FINANCIAL COMMITMENT TO GLOBAL FUND FOR HIV-AIDS—INVOLVEMENT OF LEAD SINGER OF ROCK GROUP U2

Hon. Jack Austin (Leader of the Government): While I am on my feet, I would note that Senator Tkachuk was unhappy with my answer yesterday to his question about U2 lead singer, Bono. He asked me a series of questions on October 7 last as follows:

How much did Mr. Hewson, or Bono, get paid to participate in the press conference on Wednesday, May 12, 2004?

Honourable senators, the answer is nothing.

Senator Tkachuk further asked:

For what expenses — receipted and not receipted in this day and age — was he reimbursed?

Honourable senators, no expenses were reimbursed.

[Senator Gustafson]

• (1410)

He also asked:

Did the government pay Mr. Hewson or did it not?

Honourable senators, no, the government did not pay Mr. Hewson. It is my understanding that Bono informed reporters at the press conference at which he was present that he had covered all his expenses.

Senator Tkachuk further asked:

What advertising agency was paid by the Liberal government under the Prime Minister's direction to engage Mr. Hewson, or Bono, and how much money did that agency receive, including any commission or handling fee?

The answer, honourable senators, is that no ad agency was paid.

LABOUR AND HOUSING

NEED FOR SKILLED LABOUR— COMMENTS BY MINISTER

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate, and it relates to comments made last week by his colleague, the Minister of Labour and Housing, Joe Fontana. The minister stated that, in order to meet Canada's need for skilled labour, the country's immigration levels will have to be raised to half a million people a year, which is roughly double the target for next year. The minister also said that he believes that even that number may not be high enough to fill the gaps in our workforce.

Would the Leader of the Government in the Senate tell us whether the labour minister's call to double the immigration levels is supported by the Department of Citizenship and Immigration?

Hon. Jack Austin (Leader of the Government): I cannot give honourable senators a specific ministerial response from the Department of Citizenship and Immigration at this time, but I would assure all honourable senators that this government seeks to elevate the level of immigration to Canada.

NEED FOR SKILLED LABOUR—DELAY IN ACCEPTING CREDENTIALS OF IMMIGRANTS

Hon. Donald H. Oliver: Honourable senators, perhaps the gaps we are seeing in areas of skilled labour would be lessened if all of the highly educated and skilled immigrants already in Canada were able to work in their areas of expertise. The barriers to foreign credential recognition faced by far too many immigrants in our country means that many of them are forced to take low-paying jobs such as taxi drivers and do not utilize their skills.

Last month, the Minister of Health said that the federal government is working on a comprehensive strategy to deal with this problem. Could the Leader of the Government in the Senate tell us when the federal government will bring forward this plan, and also, will it contain a target date by which it expects to see results in this area?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have target dates or time frames to offer Senator Oliver, but I will say that I concur with the preliminary part of his supplementary question. We are working with the provinces, which as Senator Oliver knows, have jurisdiction with respect to certifications and other requirements that permit people to use their skills.

Our parliamentary secretary, the Honourable Hedy Fry, has been specifically assigned to work on these issues. Like Senator Oliver, I hope they are resolved sooner rather than later.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

WATER QUALITY PROBLEMS ON RESERVES

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government on water supply in native communities. Both throne speeches this year touched on the problem of unsafe water supplies in many of the country's native reserves. The Liberal Party's election platform promised that all Aboriginal communities would have clean water by 2008.

The previous Liberal government announced \$600 million over five years to repair or upgrade some of the First Nation water systems. The current Liberal government has not supplemented that modest commitment. Would the Leader of the Government in the Senate tell us how this government is proceeding to realistically meet its promise to provide clean water by 2008?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will answer in the form of a delayed answer.

Senator Keon: Honourable senators, Lansdowne House, a native community in northern Ontario, recently had its water supply cut-off for almost a month. The Department of Indian Affairs provided each person in the community with five litres of water per day to meet all of their drinking, cooking and cleaning needs. The town's chief found this amount to be insufficient, especially as about half of the houses in the communities have black mould problems, which require washing with water and bleach. Could the Leader of the Government in the Senate tell us how the Department of Indian Affairs determines how much water it will provide to a native community whose supply has been cut-off?

Senator Austin: Honourable senators, I too saw that report and I thank Senator Keon for raising this matter. I will do my best to supply an answer.

JUSTICE

NATIONAL SECURITY— LISTING OF AL-TAWHID WAL JIHAD AS TERRORIST GROUP

Hon. J. Michael Forrestall: Honourable senators, my question for the Leader of the Government follows on his thoughtful phrasing while articulating a response to an earlier question. It will be interesting to see how long this new scheme of responding to questions by way of indication that he will reply in the form of a delayed answer lasts.

In any event, yesterday, in answer to my question on whether the government was considering banning certain groups, the minister replied:

On October 18, 2004, pursuant to United Nations Resolution 1333, Canada listed Jama'at Al-Tawhid Wal Jihad, which I will refer to, with your permission, as JTJ, under United Nations Suppression of Terrorism Regulations, and the appropriate freezing orders to all financial institutions were made on that day. This action can be found on the Web site of the Office of the Superintendent of Financial Institutions.

Can the government leader not admit to us that all this resolution does is to enable us to freeze certain accounts, if we decide to go ahead and do so? Does that not more accurately reflect the reality of the situation today?

Hon. Jack Austin (Leader of the Government): Honourable senators, my understanding of the answer that was given to Senator Forrestall yesterday is that we acted immediately after the United Nations acted.

Senator Forrestall: That is an option that we had. We are empowered to do that, but we have to decide to do it. Thus far, we have not made that decision. The government has to decide to enforce the authority it has before it becomes active.

In the written response to the earlier part of the question we were told that listing under the Criminal Code has serious implications and is exercised with strict controls based on clear and appropriate information gathered by security and law enforcement agencies.

What criteria does Al-Tawhid Wal Jihad have to meet? What criteria do they not meet to be considered under Part II.1 of the Criminal Code of Canada as a terrorist organization?

Senator Austin: Honourable senators, these questions require specific answers, and I will endeavour to obtain those answers.

With respect to the honourable senator's first comment about responses to questions being given in the form of a delayed answer, I am not sure whether the honourable senator is praising me or criticizing me for the detailed answer that was provided. He might some day enlighten me.

THE SENATE

QUESTION PERIOD—BRITISH SYSTEM

Hon. Jack Austin (Leader of the Government): However, I could make a suggestion to honourable senators opposite if they are interested. We could adopt in this chamber the British practice of giving notice of a question two days in advance so that I could prepare detailed answers. The British practice allows one oral supplementary. If that would be more efficient to honourable senators opposite, I would be pleased to consider it.

Hon. J. Michael Forrestall: Honourable senators, I wish I had an hour to respond to that interesting suggestion. Of course, the latter part of it is not acceptable. To delay questioning government on actions that are taking place today or that took place last night or during the last 48 hours would be dereliction of one of the duties of the official opposition.

I have no objection to putting detailed questions on the Order Paper, but I will not be a messenger or an aid to select staff who prepare the leader for Question Period. I would suggest that they be told to keep their heads up, look alert and read the newspapers before 10 o'clock in the morning so that they will be ready to deal with questions.

• (1420)

Senator Austin: Honourable senators, Senator Forrestall has made that observation before and I have responded to it. This will fall on deaf ears opposite when I say that it is a very interesting practice that we have one minister in this chamber who answers for the entire range the questions that can be asked of the total ministry. As a minister, the Leader of the Government in the Senate can prepare for questions, but the opposition senators are quite good at picking questions that are not as obvious from the day to day media stories as I would like them to be. If my honourable friend wishes to go to the British system so that he can obtain detailed and specific answers to detailed and specific questions, I would be very interested in discussing that option.

Senator Forrestall: If the government were to give the necessary assurances to the opposition — whichever way it comes and goes — then matters of national importance can be dealt with at the time.

Senator Austin: In my view, there would be no bar on any question to be asked. However, we have the system of Delayed Answers to Oral Questions because the Question Period is supposed to seek information that does not require detailed answers. We have a procedure for questions where delayed answers that require expert knowledge must be provided by other ministers.

In this very interesting exchange, I would not say that any rule should bar an oral question at any time.

SOCIAL DEVELOPMENT

NATIONAL CHILD CARE PROGRAM

Hon. Lowell Murray: Honourable senators, does the Leader of the Government happen to know whether his cabinet colleague, Mr. Dryden, Minister of Social Development, is making a prepared statement to the House of Commons today, or anywhere else, concerning the negotiations with the provinces on a national child care program? Second, what will the government do about Quebec's refusal so far to sign that agreement? Third, is that agreement being negotiated in the context of the Social Union Framework Agreement signed by Prime Minister Chrétien and nine of the provinces in 1999? I am sure that Senator Austin, as a former Minister of State for Social Development, has the answers to those questions at his fingertips.

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator Murray for his assistance.

I am not aware whether Minister Dryden will be making a statement in the House of Commons today. A news release was issued advising the public as to the outcome of the November 2 meeting of federal-provincial-territorial ministers responsible for social services. They said that there was agreement on shared principles to guide the development of a new national initiative and that they would meet again in the coming weeks on the more specific elements of a new agreement.

Quebec was present and made comments with respect to its existing daycare system. How Quebec will want to deal with the ongoing negotiations remains to be seen.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a delayed response to an oral question raised in the Senate on October 20, 2004, by the Honourable Senator Tkachuk regarding the security certificate process and the case of Mr. Ernst Zundel.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS CITIZENSHIP AND IMMIGRATION

REQUIREMENT OF TWO MINISTERIAL SIGNATURES ON NATIONAL SECURITY CERTIFICATES—EFFECT ON EXTRADITION CASE OF ERNST ZUNDEL

(Response to question raised by Hon. David Tkachuk on October 20, 2004)

Following the December 12, 2003, Order in Council decision to amend the system to place the responsibility under only one minister, that being the Minister of Public Safety and Emergency Preparedness, there were expressions of concern raised by a number of stakeholders.

In particular, the main concern expressed was that having two ministers sign the certificate offered more of a safeguard than placing this responsibility under only one minister. After listening and taking into account these views and upon further consideration and review, the government responded by returning to a procedure whereby there is once again a shared responsibility under two ministers with respect to the authorities under the certificate process, in accordance with the provisions of the *Immigration and Refugee Protection Act*.

Further to the Honourable Senator's second question, it would be inappropriate to comment, as Mr. Zundel's case is before the courts.

ORDERS OF THE DAY

STUDY ON ISSUES AFFECTING URBAN ABORIGINAL YOUTH

REPORT OF ABORIGINAL PEOPLES COMMITTEE— MOTION REQUESTING GOVERNMENT RESPONSE ADOPTED

Hon. Nick G. Sibbeston, pursuant to notice of October 28, 2004, moved:

That, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government to the sixth report of the Standing Senate Committee on Aboriginal Peoples, entitled *Urban Aboriginal Youth: An Action Plan for Change*, tabled in the Senate on October 30, 2003, during the Second Session of the Thirty-seventh Parliament and adopted by the Senate on April 1, 2004 during the Third Session of the Thirty-seventh Parliament, with the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and Non-Status Indians, the Minister of Justice, the Minister of Human Resources and Skills Development, the Minister of Social Development, the Minister of Canadian Heritage, the Minister of Public Safety and Emergency Preparedness, the Minister of Health, and the Minister of Industry being identified as ministers responsible for responding.

Motion agreed to.

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

Hon. Eymard G. Corbin, pursuant to notice of November 2, 2004, moved:

That the Standing Senate Committee on Official Languages be authorized to study and to report from time to time on the application of the *Official Languages Act* and of the regulations and directives made under it, within those institutions subject to the act;

That the Committee be authorized to study the reports and papers produced by the Minister Responsible for Official Languages, the President of the Treasury Board, the Minister of Canadian Heritage and the Commissioner of Official Languages as well as any other material concerning official languages generally;

That papers and evidence received and taken during the second and third sessions of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report to the Senate no later than June 15, 2005.

Hon. Terry Stratton (Deputy Leader of the Opposition): Is this motion a pro forma statement, a normal outline of work to be done by the committee? Will new funding be required? Could the committee chair give us an explanation as to what is transpiring?

Senator Corbin: I would be delighted to respond to Senator Stratton's question. The only new element in this motion is that we have added, in paragraph 2, the phrase "reports and papers produced by the Minister Responsible for Official Languages." With the exception of paragraph 3, where we ask "that papers and evidence received and taken during the second and third sessions...be referred to the Committee," the rest of the motion remains the same. It is the usual request. It deals with reports coming out of the various departments concerning official languages matters, which is the committee's *raison d'être*.

Senator Stratton: In other words, there are no extraordinary amounts, dollar wise, with respect to this motion.

Does this committee coordinate its work with the joint committee on official languages to ensure that there are no conflicts or that work is not duplicated?

Senator Corbin: I am grateful to the honourable senator for raising this matter. I like to represent the view of the full committee. Speaking for myself and the committee, I did say that we would not repeat work unless there were special reasons requiring a sober second look from the Senate.

• (1430)

I would not undertake to do the same work, parallel work, to the work of the committee of the House of Commons; that is redundant. Not only that, but if the Senate sets its own course, then more work can be done, with the House of Commons on one side and the Senate on the other.

The Senate has the specific mandate, as is often said, of speaking for the regions. It is in that spirit that we want to look at the broader context, and not necessarily the day-to-day events, which I believe the elected members of the Commons are best suited to deal with, since they have to directly respond to their constituents.

Senator Stratton: I thank the honourable senator for that reassuring response.

The committee has decided to study the reports and papers produced by the Minister Responsible for Official Languages, who would be the President of the Treasury Board, I believe, Minister Alcock, the Minister of Canadian Heritage and the Commissioner of Official Languages. Was there a particular reason to focus on those individual ministries? Also, perhaps the honourable senator could attach a name to those ministers whose name I cannot recall.

Senator Corbin: Mauril Bélanger is the Minister Responsible for Official Languages, the Deputy Leader of the Government in the House of Commons and the Associate Minister of National Defence and Democratic Reform. At present, the committee does not have any reports coming from him, but we hope that he will be the committee's guest when we return on Monday, November 15. Actually, the committee will want to find out what his specific mandate is in relation to the other departments that have responsibilities under the Official Languages Act.

The honourable senator mentioned the President of the Treasury Board, Mr. Alcock. The Minister of Canadian Heritage, the Honourable Liza Frulla, is responsible for administering and dealing with the Part VII provisions of the Official Languages Act. She deals directly with official language minorities across Canada.

The Commissioner of Official Languages, Dyane Adam, is a creature of Parliament; she is answerable to both Houses of Parliament. Her annual report has already been referred to our committee. We met with the commissioner Monday evening. Here, I refer specifically to special reports that she produces — similar to the Auditor General — from time to time, during the year. It is our hope that those reports would be automatically referred to our committee under this specific motion.

In regard to the honourable senator's earlier comment, there are no specific budgetary implications at this stage, except for the usual tea and coffee and maybe a cookie or two. From now to the end of this fiscal year, the committee has no travel plans. However, I received a letter from the chair of the Internal Economy subcommittee yesterday, asking us to put forward our requirements for the coming fiscal year, and we will attack that matter. In due course, we will all see that in the chamber.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I wish to ask Senator Corbin a question in regard to machinery of government. When was the responsibility for official languages split away from Canadian Heritage? Would the honourable senator remind us when that happened? Perhaps more important, why, in his view, was it necessary to create a separate ministry, when we had the Minister of Canadian Heritage? Was the Minister of Canadian Heritage not doing a good enough job, which many in the official languages communities across Canada believe was the case?

Senator Corbin: I am not sure I fully understand the thrust of the honourable senator's question. However, during my years here, I have witnessed a number of creations and re-creations of ministers responsible for various aspects of official languages. Those mysteries come to us out of the Langevin Building, as the honourable senator would well know.

There are parts and pieces of this puzzle that committee members do not understand. I have not yet been able to ascertain the specific responsibilities of the Hon. Mauril Bélanger, the minister responsible for Official Languages. He was given that responsibility in the last session of Parliament; he has it today. We want to know how his mandate relates to the various other portfolios. For example, the President of Treasury Board is responsible for the federal civil service and the Official Languages Act as it affects their day-to-day workings. Madam Frulla continues, under Canadian Heritage, to relate to the needs of the communities. She dispenses sums of money for all sorts of activities to both official language groups.

Committee members would like to know who the boss is in terms of the federal government's official languages policy. Do we have a multi-headed Hydra here? Is one person chiefly responsible for official languages policy? That is what members of the Official

Languages Committee aim to find out on November 15. I may be in a better position to respond to the honourable senator's question following that committee meeting. I cannot, off-the-cuff, provide historical information as to how this all came about.

Senator Kinsella: I wish to thank the Honourable Senator Corbin for that clarification.

In speaking in support of the motion, I do share with him the desire to have those questions answered. It is important for us to understand the machinery of government in a social file as important as official languages.

Senator Corbin and I share a particular interest because of section 16.1 of the Charter of Rights and Freedoms affecting our province of New Brunswick, where we recognize the constitutional equality of the two linguistic communities. It is important that the federal government plays its role in the promotion of our two official linguistic communities. That typically is the responsibility or has been the responsibility of Canadian Heritage.

A review of the Canadian Heritage budget over the years indicates a significant amount of cutting in the official languages promotions sector that department. Those cuts have had a detrimental effect on official languages communities, not only in New Brunswick but also across Canada.

I was surprised to learn that there would be a minister responsible for Official Languages. All the big shots in Ottawa will not make much of a difference. The focus must be in the neighbourhoods and the schools across Canada.

Therefore, we in the opposition are happy to support this motion.

The Hon. the Speaker: Are honourable senators ready for the question?

• (1440)

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO STUDY INCLUDING IN LEGISLATION NON-DEROGATION CLAUSES RELATING TO ABORIGINAL TREATY RIGHTS

Hon. Lise Bacon, pursuant to notice of November 2, 2004, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the implications of including, in legislation, non-derogation clauses relating to existing aboriginal and treaty rights of the aboriginal peoples of Canada under s. 35 of the *Constitution Act, 1982*;

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee present its report to the Senate no later than October 31, 2005.

Motion agreed to.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO STUDY CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE

Hon. A. Raynell Andreychuk, pursuant to notice of November 2, 2004, moved:

That the Standing Senate Committee on Human Rights be authorized to invite from time to time the President of the Treasury Board, the President of the Public Service Commission, their officials, as well as other witnesses to appear before the Committee for the purpose of examining cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met; and

That the Committee continue to monitor developments on the subject and submit a final report to the Senate no later than December 23, 2005.

Hon. Lowell Murray: Honourable senators, I had hoped to see my honourable friend privately to have her state that I am wrong in my apprehension about one of the phrases in this particular motion. However, I will ask her to explain it now for the record.

The honourable senator has four motions on the Order Paper, all of which are not only unobjectionable but commendable.

What drew my attention is the following phrase in the motion before us pertaining to the various people who would be brought as witnesses to appear before the committee. The phrase reads, in part, "...for the purpose of examining cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service..."

Unless I am mistaken, there is a grievance procedure already in the Public Service Employment Act. There is also a Human Rights Commission. Surely, the chairman of the committee is not suggesting that her committee will become a tribunal of first, second or last resort dealing with individual cases of alleged discrimination.

Senator Andreychuk: Honourable senators, I thank the Honourable Senator Murray for his question, which is an easy one to answer.

It is not the intention of the committee to study particular cases and take them, as the honourable senator has said, as either a grievance process or a case study per se. There have been comments made about discrimination within the public service. As honourable senators well know, Senator Oliver has placed much of that information on the record here in the Senate. Members of the Human Rights Committee feel it is our responsibility to look at how the Public Service Commission and the Government of Canada attack and attempt to deal with cases of discrimination.

It was our view that the easiest way to look at this as a legitimate subject of study for the Human Rights Committee would be to ask the people in question how they handle this issue within the Public Service of Canada. We would like to find out what policies and practices they have in place. After hearing that, we would like them to share with us the particular problems they have had to deal with in the field of discrimination and how they attempt to deal with and eliminate discrimination in the public service.

We wish to do this because there is not in place a systematic method by which Parliament can ask the Public Service Commission to account in this particular field of study. When we say "cases," we mean examples, practices and information.

This study arose from a suggestion made by Senator Oliver, who was a member of the committee.

The second part of the study having to do with achieving employment equity arose from the expertise and knowledge of Senator Poy. How do the structures and practices within the Public Service Commission deal with the issue of employment equity? What particular problems have there been? How have these problems been overcome so that the targets for the ultimate goal of employment equity, be it for women, visible minorities, or whatever other categories there are, can be achieved?

Our first hope is to bring the people in charge before us to explain the practices and policies and the difficulties they encounter. We wish to question them on information that has come to our attention, either individually or as a group.

Perhaps the committee will have recommendations for improvements; or perhaps we will simply ask that we be updated from time to time on their progress in eliminating discrimination within the civil service and ask them to inform us as to their efforts to obtain full and reasonable employment equity.

Senator Murray: In a word, the focus is on systemic issues rather than individual cases.

Senator Andreychuk: That is correct.

When the Human Rights Committee was first established, we spent some time discussing whether we would receive individual cases and deal with them. At that time the feeling was that we could not usurp the role of other machinery which is in place, nor would we be able to handle individual cases. To have a specific matter brought before us, it would have to be something unusual and compelling. Rather, we see ourselves as part of the education and information-sharing process. If cases are brought to us, then we would refer them on.

When I was chair of the committee, and I am sure it was the same for Senator Maheu, individual cases were brought to us. We would pass them on to the most appropriate body within the government. Since many of the cases fell within provincial jurisdiction, we would supply information as to where individuals should go for either a legal or an employment process.

Hon. Jack Austin (Leader of the Government): Honourable senators, if I understand the Honourable Senator Andreychuk, we have her undertaking that no individual case will be examined on its merits, unless an order of reference is brought before the Senate for its consideration.

Senator Andreychuk: That is the approach that the committee is taking. We will not be studying particular cases on their merit to adjudicate as to either their content or findings. Rather, at this point in time, we are interested in looking at the policies and practices so that we can discuss the broader issues.

I do not want to usurp the mandate or the input of the committee. Once we finish this study, should it lead us in another direction, then we would have to come back to the Senate to seek its authority.

At this point in time, our intention is to work in the area of general policy and not delve into specific cases.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

• (1450)

COMMITTEE AUTHORIZED TO STUDY INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS

Hon. A. Raynell Andreychuk, pursuant to notice of November 2, 2004, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon Canada's international obligations in regard to the rights and freedoms of children.

In particular, the Committee shall be authorized to examine:

- Our obligations under the United Nations Convention on the Rights of the Child; and
- Whether Canada's legislation as it applies to children meets our obligations under this Convention.

That the Committee present its final report to the Senate no later than March 22, 2005, and that the Committee retain until April 30, 2005 all powers necessary to publicize its findings.

Motion agreed to.

[Senator Andreychuk]

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATED TO NATIONAL AND INTERNATIONAL OBLIGATIONS

Hon. A. Raynell Andreychuk, pursuant to notice of November 2, 2004, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations;

That the papers and evidence received and taken on the subject during the First, Second and Third Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than December 23, 2005, and that the Committee retain until January 31, 2006 all powers necessary to publicize its findings.

Hon. Noël A. Kinsella (Leader of the Opposition): By way of preamble, I want to congratulate Senator Andreychuk and the members of the Standing Senate Committee on Human Rights for three excellent initiatives that they will undertake. We recognize the important work of the committee.

On the issue of the examination of the machinery of the Government of Canada in implementing our international human rights obligations, I would like to place on the record, and hopefully plant the seed, that perhaps members of the committee might look at the Second Optional Protocol to the International Covenant on Civil and Political Rights, which Canada has not ratified. The second optional protocol deals with the obligation that member states, who ratify it, undertake to eliminate capital punishment and to encourage other countries to abolish capital punishment. I believe members of the committee will find that the mechanism for implementation is the same mechanism, the federal-provincial continuing committee of officials on human rights, which is the domestic body that participates in the implementation and in the advice to both levels of government on ratification of instruments. In any event, the second optional protocol may come under the rubric of the committee's study to keep an eye on and report back to the Senate.

Senator Andreychuk: I presume that was both a question and a statement of encouragement. The motion just passed will be a specific case study of how Canada achieves implementation of its international obligations within a national setting, which takes in the provincial-federal responsibility on the continuing committee, while the study on the rights and freedoms of children can be a case study for other human rights international instruments and how the government should proceed. Members of the committee will keep an eye on how that study could be a template for the government to fulfill its international obligations.

With respect to this motion before the house, senators will recall that the Human Rights Committee studied the international machinery and that there were five separate sections. The committee did not fully complete the study because it was rather extensive. Under this motion, the committee intends to follow-up on the report on the Organization of American States and Canada's adherence to the Inter-American Court. It is the committee's objective to finish that work-in-progress and prepare an update.

The committee had looked at the status of Canada's completion of its international obligations. Canada has signed some conventions and treaties; signed and ratified others; and signed, ratified and somewhat implemented still others. The committee had embarked on a study to determine the status, both as an educational and information tool as well as a compliance issue. The committee had not finished that study, so it intended to bring that one up to date. Within the course of that study, all the outstanding issues, including the second optional protocol, will be enumerated. I think there will be an opportunity to address the honourable senator's concerns within that.

It is not anticipated that this study will be lengthy, although it is in two parts. There will be costs involved in updating the studies to the current date. Out of that may grow a greater study and, at that time if it is more specific, the dollars and specific protocols may be addressed.

The Hon. the Speaker pro tempore: Are senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

COMMITTEE AUTHORIZED TO CONTINUE STUDY
OF LEGAL ISSUES AFFECTING ON-RESERVE
MATRIMONIAL REAL PROPERTY ON BREAKDOWN
OF MARRIAGE OR COMMON LAW RELATIONSHIP

Hon. A. Raynell Andreychuk, pursuant to notice of November 2, 2004, moved:

That the Standing Senate Committee on Human Rights be authorized to invite the Minister of Indian and Northern Affairs to appear with his officials before the Committee for the purpose of updating the members of the Committee on actions taken concerning the recommendations contained in the Committee's report entitled *A Hard Bed to lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003; and

That the Committee continue to monitor developments on the subject and submit a final report to the Senate no later than March 31, 2005.

Motion agreed to.

The Senate adjourned until Thursday, November 4, 2004, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Thursday, November 4, 2004

THE HONOURABLE SHIRLEY MAHEU
SPEAKER *PRO TEMPORE*



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, November 4, 2004

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

REMEMBRANCE DAY 2004

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, the Second World War was very real to those of us who grew up in St. John's at that time. The harbour would be continually full of grey ships, both Canadian and British, either coming from or going to convoy duty across the North Atlantic.

Just the other day, I had lunch at the Crow's Nest, that storied bar and dining room off Duckworth Street where so many sailors enjoyed their beer, songs, stories and the camaraderie of their fellow sailors between sea trips.

Periodically, the sirens would be heard in the city. Lights would be put out in the houses and heavy boards put up to shield the windows. My father was a volunteer in the Air Raid Patrol, the members of which would, from time to time, practice using their firefighting equipment wearing their helmets and their red bands.

The war was very real to us and so were those who fought. At school, we were encouraged to fill ditty bags. These were blue serge bags that our mothers would sew together. Inside them, we would collect knitted gloves and caps, razor blades, perhaps Lifesavers and cigarettes. We sold peanuts to get money to buy the cigarettes to put in the bags. Our slogan was: Nuts to you, smokes to them. Then we would write our name and address and send it off to be opened by some lower deckhand tossing on the swells of the North Atlantic.

One night, there was a knock on our door. My mother answered and came back in with a Royal Naval rating in bell bottoms and square rig collar. He had gotten my ditty bag at sea and, when his ship tied up in port, he had come to look me up and thank me. That was my very real connection with the war effort.

As I reflect today, on the eve of Armistice Day, it occurs to me that I did so little for that sailor and yet he did so much for me. Like many other young men and women, he volunteered to serve his country. How many of them gave the early years of their lives to defend their country and ours? How many in the Royal Navy, the Royal Canadian Navy, the Naval Reserve and the Merchant Marine endured the hardships of stormy seas and prowling U-boats? How many in all of our services gave their lives for ours?

I do not remember that sailor's name or where he was from. I just remember his presence; his blue serge uniform, his ribbons, his white cap. He was younger than my own son is today, but

because of him and so many young men and women like him, some who have no marked graves and no memorial, I was able to raise a son and daughter in freedom and peace.

I remember him today and, through him, all of the others who fought and died. I thank him posthumously for what he did for me and for all of us here. I salute him and I tell him that we remember him and we shall never forget.

Hon. Michael A. Meighen: Honourable senators, tomorrow marks the beginning of Veteran's Week. This year's theme is the Italian Campaign, which provides us the opportunity to salute those who have so valiantly served our country, not only during the liberation of Italy, but also in the many other areas of conflict in which our men and women have been involved.

Honourable senators, this year is special. This year, 2004, marks the 60th anniversary of D-Day and the Battle of Normandy and the sixtieth anniversary of the liberation of Belgium.

It is very easy for these momentous victories to overshadow the extraordinary and gallant efforts of Canadians in Italy some 60 years ago, notably in the Battle of Liri Valley, which breached the Gustav Line and opened the door to Rome. This often overlooked Canadian victory would not have been possible, however, without one of the most outstanding Canadian triumphs in World War II, the Battle of Ortona, which took place during Christmas 1943.

Street by street and house by house, this ancient Italian town of castles and stone buildings was witness to one of our most difficult and costly battles. Canadian casualties during the entire Italian Campaign totalled more than 26,000, nearly 6,000 of which were fatal. Most of our casualties of the Italian Campaign are buried in the numerous Commonwealth war cemeteries scattered throughout Italy, or are commemorated at the Cassino Memorial south of Rome. Of the thousands of Canadians buried in graves across Italy, Ortona is the final resting place for 1,375 of our fallen heroes.

• (1340)

Tomorrow at the Ceremony of Remembrance here in the Senate chamber, I will be honoured to participate in the unveiling of a collection of portraits by esteemed Halifax artist Catherine Jones. Catherine painted veterans of World War II, including both Canadian and German veterans of the Battle of Ortona, veterans who attended the remarkable Reconciliation Dinner arranged by Major Ted Griffiths, which took place in Ortona 55 years after the battle.

The portraits will be on exhibition in the Senate foyer until November 19. I invite all honourable senators to attend so that, together with the delegation of veterans who returned today from Italy, we may pay particular honour to the almost 100,000 Canadians, the famous D-Day Dodgers, who served in the Italian campaign.

[Translation]

In the coming week, millions of Canadians from coast to coast and all backgrounds will pause to honour our veterans. In cities and towns across the country, citizens will attend Remembrance Day ceremonies. This year again, the Senate will be holding a solemn ceremony to honour Canadian veterans.

[English]

Honourable senators, let us never forget these men and women, our veterans, who have made the world a better place and who continue to make us all proud to be Canadian.

Hon. Terry M. Mercer: Honourable senators, as Remembrance Day approaches, we prepare to honour our proud Canadian men and women who have contributed so much to the freedom and safety of Canada. I would like to take this opportunity to honour a few close to my heart.

We were all saddened by the recent death of Lieutenant Chris Saunders. As a Haligonian, I was honoured to attend Lieutenant Saunders' funeral, but it was a solemn occasion. I believe I speak on behalf of all Canadians when I express our condolences to the entire Saunders family. This tragedy reminds us to remember all of our fallen heroes who have given their lives in the service of their country.

Honourable senators, it is almost one year ago that my family lost one of Canada's veterans — my father, Bob. Dad served as a chief petty officer in the Royal Canadian Navy. In fact, he and his shipmates captured an enemy U-boat off the coast of Nova Scotia when the Second World War was coming to an end.

Recently, we celebrated Navy Appreciation Day here in these halls. I know my father and his shipmates would have been extremely proud to be part of that event. They would have enjoyed the camaraderie amongst their fellow service people and, I am sure, a fine glass or two of port. He would have been even prouder of the fact that his grandson, my son, helped to organize that event.

I would also like to acknowledge our merchant mariners who served Canada with conviction. The support they provided during World War II was given with conviction and dedication.

Honourable senators, Remembrance Day is an opportunity to remember those who have served to protect Canada from all threats — foreign and domestic. It is also a day to remember those men and women who are currently serving their country abroad. They are spreading the message of peace and bringing democracy to several societies including, but not limited to, Afghanistan and Haiti. In fact, I am probably unique among members of this chamber in that my nephew, Sergeant David Bardsley, is serving today in Iraq as a member of the North Carolina National Guard. I take this opportunity to wish him and all Canadian and allied soldiers around the world the best of success in their efforts and a safe journey home.

Hon. J. Michael Forrestall: Honourable senators, yet another Remembrance Day is with us. We have new souls to remember and to celebrate. I think of Corporal Jamie Murphy and particularly, as our colleague has just mentioned, Lieutenant Chris Saunders.

St. John, chapter 15, verse 13 reads:

Greater love hath no man than this, that a man lay down his life for his friends.

I want to recall for you this year a young man who was born in Stellarton, Nova Scotia, on October 27, 1883 — Private James Peter Robertson. As a small boy, James Robertson went with his family to Springhill, Nova Scotia, and later moved to Medicine Hat, Alberta, to find his way in life, but his great journey was cut short. The First World War intervened and, for God, king and country, James joined his friends and went overseas to fight for freedom with the 13th Canadian Mounted Rifles.

On November 6, 1917, in the hell that was Passchendaele — and it can be described in no farer terms than that — Private James Robertson made the ultimate sacrifice for Canada and his fellow Canadians. I will read from the official citation an extract from the *London Gazette*, No. 30471, dated 8 January 1918:

For most conspicuous bravery and outstanding devotion to duty in attack. When his platoon was held up by uncut wire and a machine gun causing many casualties, Pte. Robertson dashed to an opening on the flank, rushed the machine gun and, after a desperate struggle with the crew, killed four and then turned the gun on the remainder, who, overcome by the fierceness of his onslaught, were running towards their own lines. His gallant work enabled the platoon to advance. He inflicted many more casualties among the enemy, and then carrying the captured machine gun, he led his platoon to their final objective. He there selected an excellent position and got the gun into action, firing on the retreating enemy who by this time were quite demoralised by the fire brought to bear on them. During the consolidation Pte. Robertson's most determined use of the machine gun kept down the fire of the enemy snipers; his courage and his coolness cheered his comrades and inspired them to the finest efforts. Later, when two of our snipers were badly wounded in front of our trench, he went out and carried one of them in under very severe fire. He was killed just as he returned with the second man.

How, honourable senators, do you describe bravery, love, sacrifice on the level of Private James Robertson? St. John, chapter 15, verse 13:

Greater love hath no man than this, that a man lay down his life for his friends.

We honoured him then, as only we could. He was awarded a posthumous Victoria Cross, the British Commonwealth's highest honour for conspicuous bravery in battle.

Private Robertson laid down his life for us, his fellow countrymen, his friends, so that young children could go to school in peace in Stellarton, Nova Scotia. This year, his hometown of Stellarton is doing its best to remember him with the erection of a monument to this great Canadian. I commend the Town of Stellarton for this very fitting tribute to a young Nova Scotian who won the Victoria Cross, a young soldier who gave all he had to give on the eve of November 11, Remembrance Day, that we respect today.

UKRAINE

PRESIDENTIAL ELECTION—
EXPERIENCE OF SENATE OBSERVERS

Hon. Jeremiah S. Grafstein: Honourable senators, I rise to report on the presidential election held in Ukraine on October 31, 2004. Canada was the first to offer recognition to Ukraine after its declaration of independence less than two decades ago and is the home of the largest Ukrainian Diaspora in the world.

• (1350)

This presidential election had one of the largest groups of international observers — over 600 short-term observers and over 10,000 domestic observers. It should be noted that Canada provided over 70 short-term observers, the largest number of observers from any country.

I was privileged to be joined by our colleagues, Senator Lorna Milne and Senator Jane Cordy. I served as Deputy Chair of the OSCE Observation Mission. Senator Cordy served as Chair of the NATO Parliamentary Observation Group. I will be tabling the report of our preliminary findings in that election. While the election was marred by serious irregularities during the electoral campaign, on election day it was clear that democracy was alive and well in the over 3,000 polling stations across the Ukraine.

Senator Milne and I attended at a number of polling stations and spent from 8 p.m. to 3 a.m. on Monday morning observing the counting of ballots in one poll in a suburb of Kiev. It struck me that while there were concerns about the election campaign itself falling below international election standards, the Ukrainian people who participated on election day, volunteers who worked the entire day, were committed, honest and deeply respectful of the democratic idea.

While democracy proceeds by a winding staircase, and it is my belief that democracy is on the move in Ukraine, we were privileged and pleased to be witness to this remarkable human experience as we learned how precious and important the right to vote was felt by the Ukraine people, who for so long had experienced neither independence nor freedom.

There were 24 presidential candidates, with two major contenders — one representing the government party and the other a coalition of opposition parties. Neither major candidate received a clear majority. A final election round will take place in three weeks to determine the clear majority winner. Hopefully the preliminary report of the OSCE outlining the concerns of the international observers will be taken into account in this final round in order to increase domestic and international acceptance of the successful presidential candidate.

Taras Shevchenko, Ukraine's greatest poet, exhorted his compatriots in 1847. He said these words:

Love your Ukraine
Love her... in the harshest time
In the very harsh minute
Pray to God for her.

Honourable senators, we saw the Ukrainian people manifest their love of country by advancing, carefully and meticulously, the cause of democracy across the land of Ukraine on October 31, 2004.

ROUTINE PROCEEDINGS

THE ESTIMATES, 2004-05

SUPPLEMENTARY ESTIMATES (A) TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table the Supplementary Estimates (A), 2004-05, for the fiscal year ending March 31, 2005.

ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCESBUDGET AND REQUEST FOR AUTHORITY TO ENGAGE
SERVICES—REPORT OF COMMITTEE PRESENTED

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, November 4, 2004

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 19, 2004, to examine and report on emerging issues related to its mandate, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

TOMMY BANKS
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 146.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

Senator Banks: Honourable senators, this report requests that the committee be empowered to incur special expenses pursuant to the *Senate Administrative Rules*. It submits approval from the Standing Committee on Internal Economy, Budgets and

Administration with respect to \$11,200 in expenses the committee wishes to incur during the next month of operations, and they begin immediately. It is for that reason that I ask for special consideration in respect of this report.

Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, before we grant leave, we need to see the report to know what we are giving leave to. While this is not the time for debate, given that a precedent was set a few moments ago for an explication — I would invite Senator Banks to provide an explanation.

The Hon. the Speaker pro tempore: The report is being circulated at this minute.

Senator Banks: I would be happy to expand upon the report that is now before honourable senators. The amount of \$11,200 on the page signed by the Chair of the Standing Committee on Internal Economy, Budgets and Administration includes \$5,000 for professional services having to do with the release of a report prepared by the committee's predecessor. It was ready to be released prior to dissolution of the last Parliament and is ready to be released again and tabled now. We would like to do that, but we cannot proceed until we have a plan.

The remainder of the request is for eight meals at \$300. Those meals relate to the committee's meetings on Thursday nights, which are scheduled for 5 p.m. or when the Senate rises. The Senate rarely rises before 5 p.m. on Thursdays.

Conference fees have to do with an amount that is being expended for a conference that begins tomorrow.

Hon. Terry Stratton (Deputy Leader of the Opposition): Leave is not granted.

On motion of Senator Banks, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

NATIONAL SECURITY AND DEFENCE

BUDGET AND REQUEST TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE PRESENTED

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, November 4, 2004

The Standing Senate Committee on National Security and Defence has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 20, 2004, to examine and report on the national security policy for Canada, respectfully requests

that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada and to travel inside and outside Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report

Respectfully submitted,

COLIN KENNY
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 156.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

Senator Kenny: Honourable senators, this report requests that the committee be empowered to incur special expenses pursuant to the *Senate Administrative Rules*.

An Hon. Senator: How much?

Senator Kenny: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on Orders of the Day for consideration later this day.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Terry Stratton (Deputy Leader of the Opposition): Leave is not granted.

The Hon. the Speaker pro tempore: Leave is not granted.

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THE ESTIMATES, 2004-05

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (A)

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2005.

• (1400)

[Translation]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Madeleine Plamondon presented Bill S-19, to amend the Criminal Code (criminal interest rate).

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Plamondon, bill placed on the Orders of the Day for second reading two days hence.

[English]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on consumer issues arising in the financial services sector. In particular, the Committee shall be authorized to examine:

- the impact of federal legislation and initiatives designed to protect consumers within the financial services sector;
- the role, corporate governance structure and effectiveness of agencies (including supervisory/regulatory and self-regulating), ombudspersons and others who play a role with respect to consumer protection and the supervision of the financial services sector;
- consumer credit rates and reporting agencies; and
- other related issues; and

That the Committee submit its final report no later than June 30, 2005, and that the Committee retain until August 31, 2005 all powers necessary to publicize its findings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CHARITABLE GIVING

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with charitable giving in Canada. In particular, the Committee shall be authorized to examine:

- the needs and opportunities of Canadians in relation to various aspects of Canadian life (such as health care, education, social and cultural programs and institutions, senior care, heritage preservation, scientific research and more) and the ability of Canadians to assist in these areas through charitable giving;
- current federal policy measures on charitable giving;
- new or enhanced federal policy measures, with an emphasis on tax policy, which may make charitable giving more affordable for Canadians at all income levels;
- the impact of current and proposed federal policy measures on charitable giving at the local, regional and national levels and across charities;
- the impact of current and proposed federal policy measures on the federal treasuries; and
- other related issues; and

That the Committee submit an interim report no later than December 16, 2004 and its final report no later than March 31, 2005, and that the Committee retain until May 31, 2005 all powers necessary to publicize its findings.

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES

Hon. Nick G. Sibbeston: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples, in accordance with rule 86(1)q of the Senate, be authorized to examine and report on the involvement of Aboriginal communities and businesses in economic development activities in Canada. In particular, the Committee shall be authorized to investigate elements that enable Aboriginal communities and businesses to succeed and obstacles to their achievement in all areas of the economy, including but not limited to: large-scale industrial developments such as pipelines; non-renewable resource developments in oil, gas and mining; renewable resource development; tourism; business services; and other related matters.

That the Committee report to the Senate no later than December 31, 2006.

QUESTION PERIOD

CANADA-UNITED STATES RELATIONS

PRIME MINISTER'S WARNING TO LIBERAL MEMBERS REGARDING INFLAMMATORY REMARKS

Hon. Marjory LeBreton: Honourable senators, I read this morning that following the victory of President Bush yesterday, Prime Minister Martin warned his party members that they must "work with the U.S. administration and show restraint in the reaction to the President's re-election." I find this most interesting for a number of reasons.

Yesterday, the Leader of the Government in the Senate told us that his party's relationship with the United States was excellent. Let me quote what he said so that we do not have any misunderstanding. In response to Senator Angus' question, the government leader said:

As I said repeatedly, and it is absolutely true, our relationship with the United States is on excellent terms. There is it no evidence that Senator Angus, or anyone opposite, will produce anything to the contrary.

The evidence comes by way of the Prime Minister's warning.

My question is for the Leader of the Government in the Senate. Why did the Prime Minister feel compelled to give an overt warning to members of his party and government to work with the United States administration and show restraint in the reaction to the President's re-election if, as my honourable friend has characterized it, Canada's relationship with our good neighbour to the south is excellent?

Hon. Jack Austin (Leader of the Government): Honourable senators, the question of Senator LeBreton is a non sequitur.

Senator Kinsella: No, it is for clarity.

Senator Austin: The Prime Minister, naturally, will be urging his followers in the other place and here to pay particular attention to the importance of Canada's relationship with the United States. This is something that the opposition senators do not dissent from in any way, shape or form.

To answer the supplementary question, I can advise that Prime Minister Martin has invited President Bush —

Senator Stratton: We heard.

Senator Austin: — to visit Canada and President Bush has agreed to visit Canada at an early time.

Senator LeBreton: I thank the honourable senator for answering the supplementary that I had not intended to ask.

Would the government leader not agree that if such a warning was not necessary, it is evidence that all is not right in the Canada-U.S. relationship? Can the Leader of the Government ensure us that there will be no further outbursts of anti-Americanism by Liberal MPs and, if so, will these people be publicly repudiated by the Prime Minister?

Senator Austin: Honourable senators, I imagined that Senator LeBreton's supplementary would be the supplementary we just heard, and I decided to answer it in my previous response. I said yesterday — and I will repeat — the Liberal caucus is not a monolith and we do not have an ideological base. If members want to speak, we do not muzzle them, to use the word of Senator Angus yesterday. They speak on their own responsibility. That is part of our tradition.

• (1410)

Some Hon. Senators: Hear, hear!

Senator LeBreton: Honourable senators, since we have such a different system of government in this country, we probably do not relate well to the American system of government. Once the election is over and the winner is declared President of the United States, the general population of the United States takes unkindly to comments they see as anti-American, even though the remarks may be directed at an individual. For example, I have relatives in the United States who are Democrats. They are quite insulted when they hear remarks coming from Canada insulting the President of the United States. They see it as a direct attack on them as a people.

Certain members of the government party who make such remarks should be reprimanded by the Prime Minister and, perhaps, be given a short lesson in history.

Senator Austin: Honourable senators, I do not know whether Senator LeBreton has traced her three questions, but she started off —

Senator Stratton: Are you lecturing again? Every question is a lecture.

Senator Mercer: Senator Austin is doing a great job.

Senator Stratton: Shouldn't a question be written instead of oral?

Senator Mercer: Let the honourable senator have the floor.

Senator Forrestall: Senator Mercer will be quiet now.

TRANSPORT

REINTRODUCTION OF BILL C-26 FROM SECOND SESSION OF THIRTY-SEVENTH PARLIAMENT

Hon. David Tkachuk: Honourable senators, my question relates to the status of Bill C-26, a bill that died on the Order Paper at the end of the Second Session of the Thirty-seventh Parliament. The bill introduced a number of amendments to the Canada Transportation Act, focusing primarily on certain aspects of air and rail transportation. At the time, this bill was advertised as one component of the government's strategy for the transportation sector, as articulated in the February 25, 2003 document entitled, "Straight Ahead — A Vision for Transportation in Canada."

In addition to putting VIA Rail on the same legislative footing as other Crown corporations, this bill contained a number of provisions designed to increase transparency. This bill was also designed to address ongoing complaints from consumers about cloudy fees and surcharges incurred in the course of buying airline tickets from air carriers.

Does the government plan on reintroducing this bill or components of it? If the government has no plans to reintroduce this bill or components of it, could the minister find out the rationale for not doing so and report back to this chamber?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have no lecture to give Senator Tkachuk in answer to his question.

Senator Tkachuk: What was the answer to the question?

Senator Austin: I have no answer for the honourable senator's question. Senator Stratton calls any answer I give a lecture. I apparently need the approval of Senator Stratton to answer questions.

Senator LeBreton: Are we thin-skinned or what?

Senator Stratton: Touchy, touchy.

Senator Austin: Perhaps the honourable senator would like to tell me the criteria for the answers that he would like to have.

AIRLINE INDUSTRY—ACCESS OF FOREIGN CARRIERS

Hon. David Tkachuk: In a Canadian Press story dated October 29, 2004, the Minister of Transport was quoted as saying that he will not rule out allowing U.S. airlines greater access to domestic routes, or greater foreign ownership of Canada's airlines, even if the U.S. government does not reciprocate. The story was headed, "Lapierre says Canada could open airline market with or without U.S. deal."

Could the Leader of the Government seek clarification to find out if this is what his colleague said? If Canada were to pursue such a policy, has the government done any studies to show how such a policy would affect Canada and its airline industry?

Hon. Jack Austin (Leader of the Government): Honourable senators, with Senator Stratton's approval, I would say that I consider Senator Tkachuk's question to be an important one. I will endeavour to obtain answers.

I should like to note that the Minister of Transport has in process a number of announcements in this area.

CANADA-UNITED STATES RELATIONS

MISSILE DEFENCE PROGRAM— POSSIBILITY OF DEBATE

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. I do not think the minister will have to find any qualification with respect to it. It requires, more or less, a yes-or-no answer.

The government has agreed to hold a debate in the other place on Canadian participation in the U.S. missile defence program and to hold a non-binding vote in that regard. Will the Leader of the Government in the Senate be coming forward with a motion here of a similar nature and under similar circumstances; and will the Senate be allowed to hold a vote on the issue of missile defence itself?

Hon. Jack Austin (Leader of the Government): Honourable senators, I wish to thank the Honourable Senator Forrestall for his question. I intend to have a discussion with the Leader of the Opposition before I can answer the honourable senator's question.

Senator Forrestall: I will forgo asking my supplementary question because it had to do with ensuring that the minister understood that we were not looking for a binding vote but, rather, for a measure, an indication of where individual senators stand on this important matter.

Senator Austin: Honourable senators, on November 2, I said in passing that, should we adopt the amendment which Senator Kinsella proposed and which we adopted on November 2, we would entertain a debate on ballistic missile defence. I should like to have a discussion with Senator Kinsella before we go forward.

AGRICULTURE AND AGRI-FOOD

BRITISH COLUMBIA—AVIAN INFLUENZA OUTBREAK IN POULTRY INDUSTRY

Hon. Wilbert J. Keon: My question is for the Leader of the Government in the Senate and it concerns avian flu.

Honourable senators, B.C. poultry farmers have asked for an additional \$60 million in federal compensation so that their industry can be fully rebuilt after it was devastated by the avian flu.

Last week, at a two-day forum in Abbotsford, 190 delegates from industry, government and other interested agencies met to rehash how the avian flu crisis affected B.C.'s poultry industry and to look at ways to prevent a future outbreak.

Although poultry farmers have already received \$65 million in compensation, they are requesting an additional \$60 million.

Could the Leader of the Government in the Senate tell us where this is at? Is the second request being considered?

Hon. Jack Austin (Leader of the Government): Honourable senators, I cannot tell Senator Keon at what stage that consideration is at now, but I will pursue the matter.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

NORTHWEST TERRITORIES— NEGOTIATIONS TO CLEANUP GIANT MINE

Hon. Leonard J. Gustafson: Honourable senators, my question is for the Leader of the Government in the Senate. It relates to the status of negotiations between the federal government and the Government of the Northwest Territories on the cleanup of the Giant Mine in the Northwest Territories which closed in July 2004.

According to Mr. Brendan Bell, Minister of Resources, Wildlife and Economic Development of the Government of the Northwest Territories, discussions between the federal government and the territorial government over the division of responsibility for the cleanup have become "bogged down."

As the last budget demonstrated, this government has committed to increase resources to clean up the contamination sites of the Giant Mine. The mine has extensive surface contamination in the area around it and would qualify as one of these sites. In view of the government's renewed priority regarding cleaning up contaminated sites, could the Leader of the Government in the Senate please consult with the responsible minister on this issue, the Minister of Indian Affairs and Northern Development, and report back to this chamber with regard to the cleanup?

Hon. Jack Austin (Leader of the Government): Honourable senators, yes, I will.

Senator Gustafson: Honourable senators, could the minister offer a possible timeline? This is dragging on.

Senator Austin: As I have just heard the question of the Honourable Senator Gustafson for the first time, I cannot offer a timeline at this point.

Senator Gustafson: Would the Leader of the Government in the Senate consider speaking to the minister and members of the cabinet about this situation and report back to the house on the issue?

• (1420)

Senator Austin: Honourable senators, I will certainly make inquiries, both of the minister and, by the usual channels, of departmental officials who have the specific knowledge the honourable senator is seeking.

NATIONAL DEFENCE

MILITARY HOUSING—RENT INCREASE

Hon. Michael A. Meighen: Honourable senators, recently the Department of National Defence slapped a \$100-a-month rent hike on military housing.

Senator Forrestall: Shame!

Senator Meighen: Yet many of those houses, as I am sure honourable senators are aware, and certainly according to those who live in them, are in very shoddy condition. Even the defence department admits that half the homes are in need of repair, and apparently the job is underway.

My question for the Leader of the Government in the Senate is this: Will the government agree to apply the rent hikes only after the various homes have been repaired?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will seek the answer for the honourable senator.

Senator Meighen: Honourable senators, in view of the fact that a spokeswoman for the Department of National Defence has said that in 2005 about 190 units at nine bases will be upgraded, would the leader also seek to find out what number that leaves to be upgraded and when the repairs on all of the military houses in need will be completed?

Senator Austin: Honourable senators, I will add that supplementary question to the information that I will seek.

I am sure that Senator Meighen is aware that, since 1998, the government has invested over \$400 million in the operation and maintenance upgrades for housing on Canadian Forces bases, and that it does plan to invest \$120 million to renovate and improve military housing over the next three years.

That is a background answer. I will seek the additional details that the honourable senator has requested.

ORDERS OF THE DAY

OFFICIAL LANGUAGES HUMAN RIGHTS NATIONAL SECURITY AND DEFENCE

COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENT OF SENATE

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of November 3, 2004, moved:

That the Standing Senate Committees on Official Languages, on Human Rights and on National Security and Defence be empowered, in accordance with rule 95(3), to sit on Monday, November 15, 2004, even though the Senate may be then adjourned for a period exceeding a week.

Motion agreed to.

CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Donald H. Oliver moved second reading of Bill S-13, to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

He said: Honourable senators, I am pleased to speak briefly today on Bill C-13, a private member's bill designed to amend the Constitution of Canada to permit the Speaker of the Senate to be elected. I need not remind honourable senators that the Speaker of the Senate is currently appointed by the Queen's representative in Canada, Her Excellency the Governor General, on the advice of the Prime Minister.

Over the years, this method has greatly benefited the Senate. Numerous Canadian senators, among the most notable, have occupied the chair and have continued to enrich public life long after they have left it. They have served the Senate and Canadians with honour and dignity.

However, in my opinion, the time has come to amend this procedure by making a change that is not based on dissatisfaction or the premise that recent office-holders have been found lacking. The change I propose aims, instead, to improve the image and effectiveness of this function, based on tradition.

The important role played by our Speaker cannot be underestimated. He oversees debate, rules on points of order and ensures that decorum is maintained. In performing these duties, the Speaker holds in his or her hands the very reputation of the Senate as a key institution of government in this country.

We rely on the Speaker to act fairly and judiciously, to achieve compromise between deeply held and opposing views, and to move us towards consensus. The Speaker is our civilizing influence, the one who reminds us of our higher duty to this nation, to its people, its sovereign and, indeed, to the history and tradition of this chamber.

Honourable senators, given that the Speaker needs our trust and that he represents all of us, has the time not come to elect him or her by secret ballot? The Speaker is not the servant of the Prime Minister, of the government or of the opposition. He is the servant of the Senate.

An election by secret ballot will reinforce the Speaker's position. His or her position will place responsibility where it should be — on our shoulders.

Honourable senators, the government of the Right Honourable Paul Martin introduced an action plan for democratic reform dated February 4, 2004. This document deals with ethics, responsibility and accountability. The introduction states:

Democracy is an active process — one that requires ongoing engagement between citizens and their elected representatives. Democratic institutions must constantly adapt and change in order to ensure that the process continues to work the way it was intended.

Honourable senators, I think that our parliamentary system could be substantially enhanced if this body of sober second thought could have a Speaker elected by the members of this chamber and not appointed by the executive branch.

As my leader, the Honourable Noël Kinsella, said in reply to the Speech from the Throne on October 19:

Rather than waiting for the mythical "perfect storm" to sweep in and bring everyone simultaneously to the same conclusion, the government ought to consider a process of incremental change.

With regard to my bill to elect the Speaker of the Senate, Senator Kinsella said:

...choosing the Speaker of the Senate by election, as has been done in the House of Commons, rather than by the Prime Minister exercising prime ministerial fiat... would be indicative of an openness to actual change.

My former Leader of the Opposition in the Senate, the Honourable John Lynch-Staunton said that the Speaker of the Senate is a political appointee with a political mission. A bill would take the Speaker out of that political atmosphere as much as possible. By attending their local and national caucuses, the Speaker's actions confirm the political loyalty that the individual has and continues to maintain. To continue in the present system, one must accept that the senator in the chair, as the Speaker, has a political mission. A bill to elect the Speaker would remove that position and give the individual more true independence.

Honourable Senator Joyal said, among other things:

We must never forget that the Senate is a chamber of conflicting viewpoints which are the basis of our democratic system. That is why we sit in this chamber with one party facing the other, with the Speaker in the middle above the fray. It is fundamental to the credibility of the Senate that debates be conducted in a process that is fair, and the Speaker has a paramount role to play in ensuring the integrity of debate through his or her rulings.

• (1430)

Honourable senators, you may wonder if other Commonwealth countries elect the Speakers of their legislatures. The answer is yes. The Australian Senate has been electing its Speaker by secret ballot since 1901. The Speaker receives a three-year mandate through a secret ballot voted on by all the senators. The very first debate, which was held in the Australian Senate on May 9, 1901, was on the method of choosing the Speaker. After the debate, it was decided that a secret ballot would be the best way to express the choice of a majority of the senators. In 1937, inspired by the actions of the upper chamber, Australia's lower house, the House of Representatives, also began electing its Speakers.

Honourable senators, I urge you to take note of the Australian example. Canada's parliamentary system, like Australia's, is based on the model established in the United Kingdom, the Westminster parliamentary system. Other Canadian legislatures have also determined that it is best to elect their Speakers by secret ballot. Ontario did so in 1990, Saskatchewan in 1991, Alberta in 1993, with British Columbia, New Brunswick and others following suit.

Honourable senators, should this house resist a change that other Canadian legislatures have adopted successfully? I say that we should move forward. Let us take the responsibility of choosing one of us to act as Speaker of the Senate. In so doing, we will not only strengthen the reputation of our Speaker but also the reputation of this house. We must show our maturity and our influence. We must allow our Speakers to benefit from the tradition that has been established and followed so honourably.

How do we go about making this change to have an elected Speaker? The answer, honourable senators, is that we must amend the Constitution of Canada. As I have stated on the two previous occasions I have spoken to the predecessors to the bill

that is before us today, section 34 of the Constitution Act, 1867, must be repealed. May I remind honourable senators that section 34 of the Constitution Act, 1867, reads as follows:

The Governor General may from Time to Time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his Stead.

Clause 1 of Bill S-13 repeals section 34 and replaces it with the following:

34. (1) The Senate, on its first assembling at the opening of the first session of a Parliament, shall proceed with all practicable speed to elect, by secret ballot, one of its members to be Speaker and another to be Deputy Speaker.

The bill further amends the Constitution Act, 1867, to provide for a voting procedure similar to that of the House of Commons, where the elected Speaker of that House may not vote except when the votes on the question are equally divided. Bill S-13 also makes consequential amendments to the Parliament of Canada Act.

Honourable senators may ask whether, in order to amend the Constitution Act, 1867, the concurrence of a majority of the provinces is required. The answer is no. Under section 44 of the Constitution Act, 1982, Parliament has the exclusive right to make laws amending the Constitution. Should Bill S-13 receive third reading in the Senate, it will then go to the House of Commons. If it receives third reading in the House of Commons, the bill will get Royal Assent, at which point it will become law.

Section 44 of the Constitution Act, 1982, reads as follows:

Subject to sections 41 and 42, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

Honourable senators, it is this provision that I rely upon for saying that there is authority for Parliament to act alone without the consent of the provinces to make this simple change to have our Speaker elected.

Honourable senators, in the last session of Parliament, our former colleague Senator Beaudoin, who is a constitutional expert, stated that Parliament does indeed have the exclusive right to make laws that amend Canada's Constitution. On October 21, 2003, he stated, in part:

In my opinion, Parliament may amend section 34 of the Constitution Act, 1867 on the basis of section 44 of the Constitution Act, 1982...

Therefore, it is possible to amend the Constitution by a simple statute of a constitutional nature...

Senator Beaudoin later went on to state the following:

In my opinion, section 44 of the Constitution Act, 1982 authorizes Parliament to make an amendment. In addition, there is a constitutional convention whereby the Speaker of the Senate is selected by the Prime Minister.

Honourable senators, Bill C-13 is not about the method of selecting senators. The selection of the Speaker of the Senate is not currently a power that is enjoyed by the Senate or senators. Rather, under the Constitution Act, 1867, this is a power that is exercised by the Governor General. There is, therefore, an argument that, because it is a change in the powers of the Senate, the amendment would be required to be sought under the general amending formula of the Constitution Act, 1982.

In conclusion, honourable senators, two basic issues arise in connection with the proposal to change the process for the selection of the Speaker of the Senate. First, should it be achieved by means of a constitutional amendment, or would it be satisfactory to do it by informal, extra-constitutional means? Second, if the decision is to proceed by means of an amendment to the Constitution Act, 1867, can it be achieved by the federal Parliament alone — and I say it does — or does it require the consent of at least seven provinces, representing at least two thirds of the population of Canada?

Given the issues I have tried to briefly outline here, one option I prefer is to refer the subject matter of Bill S-13 to the Standing Senate Committee on Legal and Constitutional Affairs for review and for the committee to seek legal opinions and to consult procedural and constitutional experts as to how the changes could be implemented. The implications of changing the selection process of the office of the Speaker of the Senate could also be reviewed.

Honourable senators, in conclusion, in the last session of Parliament, the predecessor to this bill did make it to the Standing Senate Committee on Legal and Constitutional Affairs. Therefore, I would like to move today that this bill once again be referred to the Standing Senate Committee on Legal and Constitutional Affairs for further review.

Hon. Lowell Murray: Will the honourable senator accept a question?

Senator Oliver: Certainly.

Senator Murray: The honourable senator will be aware that there is a long-standing — in fact, I suppose, an ancient — parliamentary protocol, according to which the Queen or the Governor General's consent needs to be obtained before a bill that affects the prerogative of the Queen or the Governor General is presented in Parliament. Has any thought been given by the honourable senator or his advisers as to whether that consent is required in this case?

Senator Oliver: I did not make that inquiry, honourable senator.

POINT OF ORDER

Hon. Lowell Murray: In that case, honourable senators, I rise on a point of order to ask that a ruling be brought in by the Speaker. I may be wrong, and I confess that I am not sure whether consent is required on a bill of this kind, but I would ask that a ruling be brought in to clarify the matter.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, on a point of order, does the honourable senator who raises the point of order have any thoughts as to the substantive argument to support the point of order? Any senator can say that he or she wants the Speaker to decide whether there is a point of order, but is there a rationale or substance to the argument? I do not think there is. There is a clear and fundamental distinction between the executive authority, which is ultimately invested in the Crown, and the legislative branch. The Speaker is an officer of the legislative branch.

I would be interested to hear some arguments from honourable senators as to how they come down on the question of whether a bill like this could possibly be out of order, given that it only affects the legislative branch and is therefore not a prerogative of the Crown. There may be some substantive arguments.

Senator Murray: The best argument is the one cited by Senator Oliver in his speech, wherein he quoted directly from the Constitution Act, 1867, to the effect that the Governor General may by Order-in-Council — I would ask the Honourable Senator Oliver to refresh my memory with respect to his quote. He quoted from the Constitution Act, 1987, towards the end of his speech.

Hon. Donald H. Oliver: I quoted section 34 of the Constitution Act, 1867, relating to the Governor General appointing a senator to be Speaker of the Senate. I also quoted section 44 of the Constitution Act, 1982.

Senator Murray: Under section 34 of the Constitution Act, 1867, the Governor General may appoint a person to occupy the post of Speaker of the Senate. That is clearly the prerogative of the Crown. The proposal in Senator Oliver's bill is to remove a prerogative that is now exercised by Order-in-Council and turn it over to the Senate. That, it seems to me, affects the prerogative of the Crown. If it will make my friend feel any better, I will stand on those grounds and demand a ruling on my point of order.

• (1440)

Hon. Jack Austin (Leader of the Government): Honourable senators, I think that Senator Murray is suggesting a practical way to use the time and energies of this chamber. I would like to support his request for a ruling by the Speaker as to whether consent is required. This is a subject that we have heard much about from Senator Cools in times past. There is a good deal of argument on the record with respect to consent and assent, the differences and where they apply.

If honourable senators are to become involved in this debate, which takes considerable research and will take time from the government agenda, I believe that it would be important to have a ruling in the first instance. If our Order Paper on the government's side is not busy today, I assure honourable senators that it will be shortly.

Hon. Serge Joyal: Senator Murray raised a point we have discussed in this chamber, and we have had a ruling previously. I remember very well that I raised the point on the clarity bill. There was the need to have a Royal Recommendation that was not included in the bill, and I remember the tense discussion we had on this subject.

The ruling was that if a Royal Recommendation is needed, it could come at any time before the vote on third reading. In other words, we are not prevented at this point in time from continuing to debate the bill introduced by the honourable senator.

The Honourable Senator Murray has raised the issue. The chair can always take it under advisement and we can continue debate. If the bill is referred to the committee, it can be studied by the committee, even reported. And then before we vote on third reading of the bill, if there is to be a vote on third reading, if the committee recommends and we accept its recommendation that the bill be adopted, then we are always open to receive a ruling from the chair. The bill then can be properly amended or not proceeded with if no Royal Recommendation is tabled by a Privy Councillor.

That is my understanding of the need for a Royal Recommendation with regard to a bill.

Senator Murray: I hope my friend is not inadvertently confusing the Royal Recommendation that is required for a money bill, for example. We all know what that is.

By the way, I might invite honourable senators to examine private members' bills. A whole stack of them has been introduced in the other place. I went through them yesterday morning, and an enormous number of them by any reasonable definition qualify as money bills. I wonder what will happen to them when they come up for second reading.

I take my friend's point that the Royal Consent that I argue is required for this bill can be brought in at any time. He tells us that it is a ruling that we have had before and can be brought in any time before the vote.

I take it, though, that he is of the view that it will be up to the chair to decide whether the Royal Consent is required, that no one else has to make that decision. Is that his view?

Senator Joyal answers in the affirmative.

I now go back to the question that Senator Kinsella asked me, and I quote the provision of the Constitution Act of 1867, section 34:

The Governor General may from Time to Time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his Stead.

That is somewhat different than an Order-in-Council. It is by instrument under the Great Seal of Canada and is therefore done by an instrument of advice from the Prime Minister to the Governor General.

Hon. Terry Stratton (Deputy Leader of the Opposition): I thank Senator Joyal for his intervention. I would support it.

Senator Murray made my point to the degree that the appointment of the Speaker is via the Prime Minister to the Governor General. When we investigate this point of order, I would be curious to learn whether on the House side it is not the case that even though they elect their Speaker, the Prime Minister

would give that advice to the Governor General and the Speaker is thereby appointed. I would be curious as to whether that is in fact true on the House side and see how they got around that exact same thing when they decided to elect their Speaker.

Senator Austin: The Speaker is elected over there. The Governor General has nothing to do with it.

Senator Stratton: I appreciate that, but I would be curious to know what the process was before they elected their Speakers, when they still appointed them, and how they went about changing the process.

Senator Murray: Supposedly, the Speaker of the House of Commons was always elected, and the proposal was usually made after a consultation between the Prime Minister and the leaders of the other parties. When times were reasonably friendly, which was most of the time, the Prime Minister moved, the Leader of the Opposition seconded, and the House agreed to the election of whomever. However, it was always open to the House to contest or vote against that motion.

Hon. Anne C. Cools: Honourable senators, I notice that Senator Austin has said that I consistently raised that particular question. I am very pleased to see — no pun intended — that Senator Austin and I were on the same team, except I did not know at the time that he was supporting my then position.

The Speaker of the House of Commons, for hundreds of years now, has been elected. The Speaker of the House of Commons was not elected by direct election; this is a recent phenomenon. However, the Speaker of the House of Commons was elected by motion agreed to by the rest of the members.

Senator Joyal refers to a Royal Recommendation. Senator Murray is absolutely correct. The term is "Royal Consent," as distinct from the term "Royal Recommendation," because Royal Consent is derived from Her Majesty's assent in advance of bills proceeding.

I have raised this issue of need for the Royal Consent on a number of bills, most often government bills. If anyone were to look to the record, I have placed on it what I thought were convincing, compelling and conclusive authorities.

At every turn, the Speaker of the Senate has consistently overruled my position that the Royal Consent should be signified by a minister in his place at second reading and that the bill should not be passed or voted on at second reading without the Royal Consent. That is what the authorities mostly said, and there are great authorities on this, the Royal Consent, such as Gladstone and Lansdowne.

Somewhere in the obscure past someone said that it was okay for the bill to proceed through various stages and receive the Royal Consent at later stages. That then came to mean at a later stage in the process.

I am trying to make the point that the Speaker of this chamber, the same Speaker who occupies the position now, has consistently upheld in his rulings the fact that the Royal Consent can be given

at any time during the proceedings and that a bill should not be rendered defective or impaired from moving ahead because it lacks the Royal Consent at second reading. If we were to review the records we would see that it has been the position that the Speaker of the Senate has consistently adopted or maintained.

• (1450)

Honourable senators, when I started raising this issue some years ago, some senators looked at me as if I were some sort of an oddity.

I would refer to the record again to demonstrate to honourable senators that, when Bill C-20 was before us in 2000 or 2001 — it was called the Clarity Bill at the time — the bill did continue past second reading. This was a government bill. The bill passed second reading here and was referred to committee. At that time, we raised all of these questions, but we got very little support. However, when the bill was returned to the chamber, prior to third reading, the then Leader of the Government in the Senate, Senator Bernard Boudreau — since it must be a minister of the Crown — rose and gave the Royal Consent to Bill C-20. In a way, the government action confirmed what the Speaker had been saying for quite some time.

It seems to me that the government cannot rise and fall at the same time, cannot take a yea-and-nay position simultaneously, but the practice as set by the Speaker has been in this chamber for quite some time that a bill is given second reading and is referred to committee. Thereafter, if the Royal Consent is required, someone else, especially if it is an opposition bill, figures out how to approach Her Majesty's representative to observe the Royal Consent. The fact of the matter is that the government cannot take two positions simultaneously. The government cannot rise and fall at the same time.

Senator Kinsella: Your Honour, to be helpful to the Speaker on this matter, at page 181 of our publication, *Rulings of Senate Speakers 1994-2004*, which was prepared by the Legislative Services Sector and issued in September of this year, we find the matter to which Senator Cools has just been referring. Indeed, you can go to the journals of September 24, 2003, at pages 1048 to 1050. The question of Royal Consent was raised around Bill C-25, and the Senate had not been advised that consent had been granted. Reference was made to *Beauchesne*, sixth edition, page 213, citation 727, which provides that:

...a bill may be permitted to proceed to the very last stage without receiving the consent of the Crown but if it is not given it at the last stage, the Speaker will refuse to put the question.

That is the point Senator Joyal made.

In the document to which I referred, at page 181, the Speaker Hays said:

...I have heard nothing that would compel me as Speaker to delay the debate on the second reading of Bill S-7. Royal Consent might be necessary;...

He went on to rule:

...I am prepared to rule that...the debate... should be allowed to continue.

Our precedents are very clear that the debate can continue. That is where we are at.

While I am on my feet I would hasten to add that we must be extremely careful because a different model could be used to deal with questions such as the one contained in Senator Oliver's bill. One could take the root of an amendment, not under the 1867 constitutional instrument but, rather, the 1982 constitutional instrument and the amending formula, which provides that resolutions passed by both Houses of Parliament and by certain numbers of Legislative Assemblies, and bring about an amendment to the Constitution. If an honourable senator were to rise to amend the Constitution relating to the Speaker of the Senate, he or she does not need to have the Royal Consent, in order to move a motion by way of a resolution to amend the Constitution.

In substance, we ought not to let ourselves be impeded or fettered by any attempt to do so when we want to examine something that relates even to issues such as the Speakership of the Senate.

Hon. Tommy Banks: I had hoped to ask a question of Senator Oliver, but we have either leapt or scurried beyond questions. Nonetheless, I will put my question and hope that some illumination will follow later in the debate.

My question to Senator Oliver has to do with the point of order that has been raised. If this bill were it to be passed, what effect would it have on the weight of rulings, of the Speaker of this place which can be overruled by this house? That is in contrast to rulings of the rulings of the Speaker of the other place, whose rulings cannot be overruled by that place. If the Speaker of this place were to be elected, would it follow that the Speaker's rulings would not be subject to being overturned by this house?

The Hon. the Speaker *pro tempore*: Honourable senators, I have sufficient information. I will take this point of order under advisement and deal with it the week after we return.

Hon. Bill Rompkey (Deputy Leader of the Government): I move the adjournment of the debate.

Senator Cools: Your Honour, I believe that Senator Oliver was trying to join in the debate on the point of order.

Senator Austin: The Speaker has ruled.

The Hon. the Speaker *pro tempore*: Senator Oliver did not rise on the point of order. I am sorry if I cut him short, but I saw no indication that he wished to speak to it.

• (1500)

ASSASSINATION OF LORD MOYNE AND HIS CONTRIBUTIONS TO BRITISH WEST INDIES

INQUIRY—DEBATE ADJOURNED

Hon. Anne C. Cools rose pursuant to notice of October 19, 2004:

That she will call the attention of the Senate to:

- (a) November 6, 2004, the sixtieth anniversary of the assassination of Walter Edward Guinness, Lord Moyne, British Minister Resident in the Middle East, whose responsibilities included Palestine, and to his accomplished and outstanding life, ended at age 64 by Jewish terrorist action in Cairo, Egypt; and
- (b) to Lord Moyne's assassins Eliahu Bet-Tsouri, age 22, and Eliahu Hakim, age 17, of the Jewish extremist Stern Gang LEHI, the Lohamei Herut Israel, translated, the Fighters for the Freedom of Israel, who on November 6, 1944 shot him point blank, inflicting mortal wounds which caused his death hours later as King Farouk's personal physicians tried to save his life; and
- (c) to the 1945 trial, conviction and death sentences of Eliahu Bet-Tsouri and Eliahu Hakim, and their execution by hanging at Cairo's Bab-al-Khalk prison on March 23, 1945; and
- (d) to the 1975 exchange of prisoners between Israel and Egypt, being the exchange of 20 Egyptians for the remains of the young assassins Bet-Tsouri and Hakim, and to their state funeral with full military honours and their reburial on Jerusalem's Mount Herzl, the Israeli cemetery reserved for heroes and eminent persons, which state funeral featured Israel's Prime Minister Rabin and Knesset Member Yitzhak Shamir, who gave the eulogy; and
- (e) to Yitzhak Shamir, born Yitzhak Yezernitsky in Russian Poland in 1915, and in 1935 emigrated to Palestine, later becoming Israel's Foreign Minister, 1980-1986, and Prime Minister 1983-1984 and 1986-1992, who as the operations chief for the Stern Gang LEHI, had ordered and planned Lord Moyne's assassination; and
- (f) to Britain's diplomatic objections to the high recognition accorded by Israel to Lord Moyne's assassins, which objection, conveyed by British Ambassador to Israel, Sir Bernard Ledwidge, stated that Britain "very much regretted that an act of terrorism should be honoured in this way," and Israel's rejection of Britain's representations, and Israel's characterization of the terrorist assassins as "heroic freedom fighters"; and
- (g) to my recollections, as a child in Barbados, of Lord Moyne's great contribution to the British West Indies, particularly as Chair of the West India Royal Commission, 1938-39, known as the Moyne

Commission and its celebrated 1945 Moyne Report, which pointed the way towards universal suffrage, representative and responsible government in the British West Indies, and also to the deep esteem accorded to Lord Moyne in the British Caribbean.

She said: Honourable senators, sixty years ago, on November 6, 1944, Walter Edward Guinness, Lord Moyne was assassinated in Cairo by the Jewish extremist Stern Gang Lehi, the Fighters for the Freedom of Israel. The assassins were Eliahu Bet-Tsouri and Eliahu Hakim. I was just a year old. I have no memory of the savage act itself, but I have vivid recollections as a young child in Barbados of hearing Barbadians speak about Lord Moyne. They spoke of this fine man with great esteem and reverence, both personally and politically. Barbadians spoke of Lord Moyne and the royal commission of which he was chairman, called the Moyne commission, and its Moyne report as a watershed in the social and constitutional development of Barbados, and as setting the stage for their improved social, political and economic conditions, including social and health services, minimum wages, labour relations, universal suffrage, representative and responsible government and even a federation of the British West Indies.

Honourable senators, the assassination of this British Minister Resident in the Middle East while Britain and the Empire were fighting a vicious war against the Nazi Germans, with their persecution of the Jews, shook British Barbados profoundly. Barbados was the home of the oldest Jewish communities in the British Americas, because after the Portuguese inquisitions, many Jews sought refuge in the British possessions in the 1620s. There is Jewish blood in many Barbadians, including myself. Lord Moyne was murdered exactly five months after D-Day, June 6, the day of British and Allied assault to re-enter and recapture Europe from Nazi occupation and to conquer Germany. Many Barbadian men, my parent's friends, fought on the beaches of Normandy that day. I salute them.

Honourable senators, Lord Moyne, of the famous Guinness family, of whom one member owned Porters Plantation Great House in Barbados, had sailed his own boat to the West Indies for the hearings there. One of the many witnesses before the West India Royal Commission was Grantley Adams, a coloured lawyer who by then was the undisputed political leader of the Barbadian masses. As a public man, he felt the terrific responsibility the masses had thrust upon him. On January 24, 1939, he told the eight commissioners that the Barbadian people had high expectations of the commission's investigations into the conditions of Barbados. F. A. Hoyos quoted Adams in his biography *Grantley Adams and the Social Revolution*, saying:

... I say that the people of this colony, at the present, have a profound distrust of the Government doing anything for them. They look upon the Commission as their saviours...

Grantley Adams' testimony was well received by the commission. En passant, he later became the first Premier of Barbados, and even later became Sir Grantley Adams.

Honourable senators, the masses of Barbadians assembled in Bridgetown to listen attentively to the commission's proceedings,

relayed to them by loudspeaker. The Moyne report features an impressive photograph of these crowds, expectant of social change.

Lord Moyne knew Africa, the Middle East and the West Indies. He was a soldier and officer, first serving in the Boer War. He served again in World War I, fighting in France, in Flanders, in Gallipoli and, yes, in Egypt. He had been a member of the House of Commons and the House of Lords and had been the Secretary of State for the Colonies. He was a hunter, a sailor, an explorer, an anthropologist and an ethnographer. He was a friend of the colonies and a friend of the British Caribbean. The masses of the Black people of Barbados looked to his commission for amelioration of the prevailing social and economic conditions. Barbados was a plantation society, sugar was the mainstay, and the government and the economy were in the hands of a very few White Barbadian plantocrats.

Honourable senators, today I shall look at the heart of darkness that is terrorism. Lord Moyne's assassins, Bet-Tsouri and Hakim, 22 and 17 years old respectively, were members of Lehi, which specialized in political assassinations and individual terrorism. In the 1940s, Lehi's three leaders were Natan Friedman-Yellin, "Yellin-Mor," Israel Sheib, "Eldad" and Yitzhak Shamir, who later became Prime Minister of Israel. Nachman Ben-Yehuda wrote about Lehi's assassinations as propaganda in his 1993 book, *Political Assassinations by Jews: A Rhetorical Device for Justice*. On the morality of these assassinations, Ben-Yehuda quotes Yitzhak Shamir saying:

...it was more efficient and more moral to go for selected targets. ...We were aiming at a political goal. There are many examples that what we did could be found in the Bible — Gideon and Samson, for instance.

Honourable senators, Gerold Frank in his 1963 book *The Deed*, on Lord Moyne, similarly quotes Yitzhak Shamir, who had ordered and planned the brutal murder, explaining the nature of individual terrorism that:

A man who goes forth to take the life of another whom he does not know must believe one thing only — that by his act he will change the course of history.

This is shocking; the terrorist assertion that a belief, one's own righteousness, is a justification for murder, a black-hearted deed.

Honourable senators, a disturbing and worrisome fact is that the Jewish extremist Stern Gang Lehi tried to forge a collaboration with Hitler. Kati Marton, in her 1994 book *A Death in Jerusalem*, wrote:

Stern's astonishing and now-forgotten proposal of a Jewish-German alliance against Britain came as the eastbound trains transporting Jews had begun to pull out of European stations. It preceded by less than six weeks the Berlin Wannsee Conference, at which the Nazis planned the implementation of the Final Solution.

One time, Abraham Stern had dispatched Yellin-Mor to Turkey to contact German agents there. The Fighters for the Freedom of Israel could see no difference between the Nazis and the British.

Honourable senators, Colin Shindler, in his book *The Land Beyond Promise: Israel, Likud and the Zionist Dream*, in his chapter on Yitzhak Shamir, described Lehi terrorism thus:

They considered such assassinations to be moral acts which demanded great courage. Although Lehi was the smallest of the three Jewish military organizations, it nonetheless carried out 71 per cent of all political assassinations between 1940 and 1948.

Ben-Yehuda, in his book, told us about Lehi's killings of Jews, saying "...Lehi killed more Jews than non-Jews," and also that Lehi leader, Yellin-Mor, in 1948, on trial for charges related to Count Bernadotte, told the court that "...it was Lehi's right to execute 'low level and degraded traitors...'"

Honourable senators, Yitzhak Shamir, in his 1994 book *Summing Up: An Autobiography*, wrote:

...Bet-Tsouri and Hakim had done the deed ...there was...no pause in which I could properly grieve for the boys whom I had sent to Egypt.... In 1975...I received their remains at the Israel-Egyptian border.... I recognized them at once, despite the years that had passed and the way in which they died. Their faces were untouched and calm; neither time nor the way they died had disfigured them. A chaplain told me that only the righteous are granted this privilege. I hope, and I believe, that this is so. At the funeral...I delivered the eulogy.

Honourable senators, the two assassins had travelled from Palestine to Egypt to kill Lord Moyne. On November 6, 1944, at 1 p.m., the assassins ambushed him in his car, shooting point blank. Hakim shot Lord Moyne three times. Simultaneously, Bet-Tsouri shot and killed Moyne's driver, Lance Corporal Fuller, as he tried to protect Lord Moyne. Lord Moyne died at about 8 p.m. that evening after surgery performed by King Farouk's own doctors. The malevolence and savagery of this "deed" is revealed in the fact that Hakim, the 17 year old, aimed his three bullets at Moyne's neck, abdomen and heart at very close range.

Honourable senators, public reaction to Lord Moyne's murder was unequalled, both in the U.K. and internationally. Jews and non-Jews were horrified around the world. In London, Parliament met on November 7, 1944. Prime Minister Winston Churchill, a close friend of Lord Moyne for 30 years, did not trust himself to speak at length. In his stead, on November 9, 1944, Anthony Eden gave the assassination details to the Commons. King George VI and Queen Elizabeth sent cables of condolences. In Barbados, called "Little England," where I was born, Barbadians were dismayed. Jewish reaction universally condemned the murder. In *The Deed*, Gerold Frank wrote:

The Hebrew press could not find words strong enough to denounce the deed. It was an "abomination." "...Since Zionism began," lamented *Haaretz*, the most influential newspaper in the country, "no more grievous blow has been struck at our cause." The Jewish Agency expressed its horror "at this revolting crime." In London Dr. Chaim Weizmann...said that this shock had been "far more severe and numbing than that of the death of my own son" ...missing in action against the Germans....

..."The bullet that struck down Lord Moyne," wrote a distinguished Zionist leader, "was aimed not only at him but at our own hearts."

Honourable senators, in the U.K. House of Commons on November 7, 1944, saying that Moyne's murderers narrowly escaped being lynched by Egyptian passers-by and describing Lord Moyne as a good and faithful servant, Winston Churchill paid tribute to him, saying:

• (1510)

...His work as Secretary of State for the Colonies was admirable....

During this present year a press of the most difficult, tangled, anxious and urgent problems was thrust upon him.... These affairs affected not only matters in the Middle East, but the relations with Allied Governments and enemy Governments seeking to surrender....

...In particular, Lord Moyne devoted himself this year to the solution of the Zionist problem, and I can assure the House that the Jews in Palestine have rarely lost a better or more well-informed friend.

Honourable senators, days later, on November 17 in the House, Prime Minister Churchill spoke again. He said:

...If our dreams for Zionism are to end in the smoke of assassins' pistols and our labours for its future to produce only a new set of gangsters worthy of Nazi Germany, many like myself will have to reconsider the position we have maintained so consistently and so long in the past.

Prime Minister Churchill told the House that the Palestinian authorities were engaged in an active campaign against the Stern gang. About the Palestinian reaction, he added, in part:

I have received a letter from Dr. Weizmann, President of the World Zionist Organization — a very old friend of mine — who has arrived in Palestine...he assures me that.... In Palestine the executive of the Jewish Agency have called upon the Jewish community — and I quote their actual words: "to cast out the members of this destructive band...and to render all necessary assistance...in the eradication of the terrorist organisation."

Honourable senators, in 1975, the Israeli government gave the two assassins a state funeral with full military honours and reburied them at Mount Herzl. The British government protested. British media commentary scorned this. On June 26, 1975, *The Times* editorial, headlined "The Terrorists Receive a Welcome in Israel," said:

The justification for these men, whose actions at the time were deplored by Dr. Weizmann, is precisely the same as the justification for any other terrorists.... The same Stern gang of which these terrorists were members murdered Count Bernadotte....

But the great men who led the Israeli nation then did not accept the support of murder, and it is a reflection on the men who lead Israel now that they accept other and lower standards....

Honourable senators, Victor, Lord Rothschild, the third baron, whose family foundation had financed the Knesset and Supreme Court buildings in Israel, in his letter to *The Times*, June 27, 1975, condemning the assassin honours, wrote:

Sir, I voice the feelings of a vast number of British Jews and non-Jews, who are well disposed towards Israel, in expressing a sense of outrage at the behaviour of the Israeli Government if, as reported in *The Times* today June 26, the Jewish terrorists who assassinated Lord Moyne were honoured by members of the Government of Israel....

Israel is by no means the only country which appears to condone terrorism. But standing, or purporting to stand, as it does, for adherence to the law, international or otherwise, and to the most famous Commandments ever propounded, their behaviour in this case is a source of indignation to all those who believe in justice, peace and freedom.

Yours truly,
ROTHSCHILD

Honourable senators, in closing, I wish to state that I understand that human beings are flawed, imperfect and rarely know themselves and their own motivation. Human beings are capable of justifying foul deeds in the name of beliefs, causes, ideology and their own righteousness.

Terrorists seek to distinguish between good terrorism and bad terrorism. Earlier in my remarks, I had said that terrorism is a heart of darkness, but there is another darkness — the darkness of the heart. The mystics who write and pray about the discernment of good and evil, particularly Jacques Guillet, say it best:

...there is the darkness in man himself who is incapable of seeing his own heart clearly, incapable of grasping completely the seriousness of his actions and the results deriving from them.

Honourable senators, today I commemorate Lord Moyne. I close by saying that I praise him. On Saturday, it will be sixty years that he was assassinated. I also add that the terrorism that ended his productive and useful life at age 64 can never be justified.

I thank honourable senators for their attention.

On motion of Senator Prud'homme, debate adjourned.

[Translation]

INVISIBLE RIBBON CAMPAIGN

INQUIRY

Hon. Lucie Pépin rose pursuant to notice of November 2, 2004:

That she will call the attention of the Senate to the 2004 Invisible Ribbon Campaign.

She said: Honourable senators, I am very pleased to speak to you today about our military families and about military spouses in particular. I do so in connection with the Invisible Ribbon Campaign that will be in full swing until November 7.

This campaign was first launched in Winnipeg in 1996. Two women, Barbara Little and Maureen MacDonald, created the ribbon as a means of showing support for those who wear the invisible uniform, families of serving personnel. The ribbon is made of clear plastic and is fastened to clothing with a Canadian flag pin.

On Monday I had the privilege of joining the Honourable Peter Milliken to take part in the launch of this campaign at the Rockcliffe military base. I am delighted every year to take part in this very important ceremony.

When I became aware of the situation of our military families, I realized that the excellent work of our military personnel and the courage of military spouses deserved better recognition. Canadians are generally very proud of those who serve in the forces. We are all aware of the strong sense of duty of these brave men and women. Nonetheless, aside from Remembrance Day and Veterans' Week, there is little opportunity for Canadians to openly show their respect for our military.

I think it is a wonderful idea to hold a campaign to fill this gap and include the families. Not only does the Invisible Ribbon Campaign draw attention to the contribution of military spouses, but it highlights their heroism as well. Congratulations to the staff of the family resource centres for coming up with this concept.

I said that the spouses of military personnel are heroes. They may not consider themselves as such. However, the strength of character that they show in reconciling the demands of military life with their status as civilians inspires respect.

The armed forces are particular in that they impose a very demanding lifestyle on their members. Because of the mission of the Canadian Forces, army requirements take precedence over any personal or family consideration. Military personnel must make huge sacrifices, not least of which are frequent moves, long periods of separation, and restrictions governing family life on military bases. In light of these constraints, it is easy to imagine how difficult it is to maintain an adequate balance between the military life and family needs.

• (1520)

All these sacrifices made by our military personnel are largely shared by their spouses and families. The latter did not enrol in the forces, but it is as though they had. While they are not members of the forces, they are subjected to the constraints relating to a hierarchy. Their habits are very much determined by the military environment. They may bask in our forces' moments of glory, but they are just as affected by criticism as those who wear the uniform.

I find it perfectly legitimate to say that they wear the invisible uniform. We do not talk much about them, but there they are, standing proud. I saw this in all the bases that I visited over the past three years. Wherever I went, I met spouses who were willing to accept the sacrifices and constraints generated by their spouses' career. They accept the periodic interruptions in their professional lives and the associated difficulties.

I was very impressed by the importance that the spouses and wives of our military personnel attach to their support role, as it relates to their spouse's mental balance. While they are busy on other fronts, our military personnel do not have to worry about what is happening on the home front. Their spouses take care of it. Incidentally, this year's theme for the Invisible Ribbon Campaign stresses the fact that the spouses of military personnel provide support on the home front.

Military wives are the backbones of the home, where they have to shoulder a great deal of responsibility on their own. The list is a long one: family responsibilities, child-rearing, and many, many more.

I particularly admire the way they have taken the skills their husbands call on in their profession and adopted them in coping with their repeated absences. Military spouses have developed many qualities that have made them into take-charge, dynamic women.

Left to their own devices so often, they show great independence and determination. As a result, they are able to adapt to a variety of situations and to be better able to cope with their spouses' frequent transfers. They make sure that each move becomes an opportunity for personal enrichment, and I must point out that these moves may come as often as yearly.

Patience, independence, adaptation are concepts that hold no secrets for them. These qualities are what help them adapt to each new living situation, to look after the home front.

Military families contribute to the success of our troops on mission by looking after the domestic front and supporting their absent family members. We need to acknowledge this more often than we do. You can well imagine how much it bolsters morale to hear that one's sacrifices do not go unnoticed. I can tell you theirs is not an easy life. Just meeting and talking with military families will show you this. They never give up, regardless of life's difficulties. The affection that military wives have for their partners, and their belief in the nobility of the mission of the Canadian Forces, are what keeps them going.

I came away from all my visits to the military bases greatly heartened. Everywhere I saw the real desire of these women to take charge of their lives. I am delighted to see that the Canadian Forces acknowledges the importance of the role of families and provides support in the form of appropriate services by dedicated and competent personnel.

As I visited the bases, I was also able to see that the base commanders were very much attuned to their presence. There was recognition that these women have unique living situations that can sometimes lead to serious career, personal or emotional problems.

[Senator Pépin]

In just a few years, the more reassuring, post-cold war world has been replaced by the post-September 11 world, an environment full of uncertainty. In this context of instability, our country will continue to be called upon. Even more than previously, we will continue to play an active role in sharing our values and protecting our interests.

This will require increasing involvement of the Canadian Forces, which will lead to the deployment of our professional military personnel, more and more men and women who are also partners, husbands and wives, fathers and mothers, sons and daughters. In the latest throne speech, the recruitment of 8,000 new military personnel was announced. I am convinced that the arrival of these new members of the regular and reserve forces will be a breath of fresh air that will further reduce the frequency and duration of absences.

We must continue to take measures like this to support our military personnel so they can carry out their missions properly and to provide our military and their families with better living conditions.

My purpose in speaking to you today, honourable senators, is to urge you to support the military hierarchy as it strives to improve the quality of life of military families.

The families are expecting a lot of us, as are our military personnel. It is all very well to have the latest equipment, but if a soldier is not in peak mental condition because of worries about housing or the difficult living conditions of his or her family, we can easily imagine what use will be made of the equipment. Therefore, we must not only improve the armed forces' equipment, but also take note of what is going on in the living environment of members of the military and their families, and express our deep appreciation to them and to the spouses we do not see, those who wear the invisible uniform.

Hon. Yves Morin: Will Senator Pépin take a question?

Senator Pépin: Yes.

Senator Morin: First, I would like to congratulate Senator Pépin on her fine speech and especially on the efforts she has been making for such a long time to improve the situation of the spouses and families of military personnel. It is a very important cause.

The honourable senator has described the difficult situation of military families. Does she have recommendations on what action could be taken to improve conditions for these spouses and families?

Senator Pépin: There are several. I even took the liberty of meeting with the Minister of National Defence last week. It is true that we do not see them. But it is important for people in the vicinity of military bases to know that we are looking after them. These women are looking for jobs off the bases, and I urge businesses that have jobs for them to give them jobs. The biggest constraint is that they move every six, nine or twelve months. They still need to earn a living because, as we know, the pay is not too high.

I heard an honourable senator mention housing quality earlier. I can assure you that many improvements have been made, but then, the rent went up. It is so high that a majority of families now live off the bases, because it is less expensive to live in town. Representations are underway in this respect, and we hope that they will be met with a favourable response from the government.

The spouses are often very young, as our soldiers are only 19, 20, 21 years old or more. When a sailor in the navy is transferred from Halifax to Victoria, his wife follows him. She might be there for nine months or a year without seeing her partner when he is on a mission. If something happens in the family, they no longer have the flight service for military members available to them that they once did. The "padre" has to get together the money to help the wife make the trip.

I have already tabled one report in the Senate and I am preparing another. Military members here tell us that in the United States, members of the armed forces get some recognition. In Canada, not much is heard. Saying that we are proud of our troops could help their spouses.

I can assure you there are many ways to help them in their work or their education because, at 19 or 20, many of them still have to finish their schooling. Family centres have been opened on the bases and they have improved things quite a bit. However, a problem arises if both parents are serving in the military and are using a day care service because it closes at five o'clock and there is no one to take care of the children. It is also very difficult to find a babysitter. It is hard to imagine that in 2004 such facilities are so limited for our military families.

The Hon. the Speaker *pro tempore*: Honourable senators, if no other honourable senator wishes to speak, the inquiry is considered closed.

• (1530)

NATIONAL PAIN AWARENESS WEEK

MOTION ADOPTED

Hon. Yves Morin, pursuant to notice of October 28, 2004, moved:

That this House call upon the Government of Canada to establish the first week of the month of November in each and every year, throughout Canada, as "National Pain Awareness Week."

He said: Honourable senators, I have the honour to propose, at the request of the Canadian Pain Coalition, a motion designating the first week of November as National Pain Awareness Week.

[English]

National Pain Awareness Week recognizes both the millions of Canadians who suffer from chronic pain and the tremendous cost it exacts from those individuals and from society as a whole.

Chronic pain is different from acute pain. Acute pain is biologically necessary. It warns us of harm or danger and can be removed by dealing with that harm or danger. Chronic pain is

different. It does not go away. Chronic pain may exist because its cause cannot be removed — for instance, in the case of untreatable diseases such as advanced forms of cancer, arthritis or back injury. Sometimes the reasons cannot be explained — for instance, headache or neurogenic pain that is caused by damage to peripheral or central nerves. The people who suffer from chronic pain suffer simply because their body has gotten into the habit of pain. Even when the cause of the initial pain has apparently been removed — a sprained back or a serious infection, for example — the injured site may persist in sending pain signals for weeks, months or even years.

This can happen when the initial acute pain is not effectively treated. Infants, children, the elderly and people with communication difficulties are most at risk for not having acute pain treated effectively; but they are not alone. Pain is not alleviated in half of the people in hospitals suffering from acute pain in the moderate to severe range.

Chronic pain is costly. For individuals, pain limits their activities, lowers their quality of life, clouds their old age and is a huge source of stress for them and for their families. For society, pain costs our economy as much as \$10 billion a year.

Pain is a burden on our health care system as well. It is the primary symptom behind an estimated 80 per cent of all physician office visits. People in severe chronic pain visit the doctor three times more often than the general population.

Sadly, there is often little we can do to relieve chronic pain. Medication is obviously the first line of attack, but all medications have side effects. Other treatments include acupuncture, local electric stimulation, brain stimulation, surgery to cut the nerves that carry the signals of pain to the brain, psychotherapy and techniques such as bio-feedback, relaxation and behaviour modification. However, these are only partially effective in many patients.

A large part of the problem is that chronic pain is so poorly understood. Scientists around the world are working to remedy this problem, and Canadians are world leaders in this field.

Dr. Ron Melzac of McGill University, an international leader in pain research, published one of the seminal early research papers on pain in 1965, "The Pivotal Gate Control Theory of Pain." Since then, Canadian scientists have explored the mechanisms underlying the phenomenon of chronic pain.

Dr. Jeff Mogil, also of McGill, has examined the genetic disposition to pain susceptibility. Dr. Yves De Koninck of Laval University, in the beautiful city of Quebec, has increased our understanding of changes in the nervous system that lead to chronic pain following an injury that would normally heal.

In Toronto, Dr. Mike Salter recently discovered the dream gene, and found that mice without the gene were dramatically less sensitive to pain than mice with the gene. His work could lead to a completely new approach to pain control.

Canada is also a world leader in treating chronic pain. Every academic health care centre in the country has a pain management unit. These clinics not only give relief to those suffering from chronic pain, but also they provide a focus for important clinical research.

Dr. Manon Choinière of the University of Montréal is leading a cross-Canada team to determine the psychological impact of waiting for treatment of pain. Another team is examining how to measure and manage pain in vulnerable populations, such as infants and children.

This Canadian research is a source of hope for those patients who suffer from chronic pain, but patients are not sitting back and waiting for their pain to be addressed.

Chronic pain has not prevented Helen Tupper from Halifax, for example, for making, with the help of Dr. Celeste Johnson, the Canadian Pain Coalition a reality. The Canadian Pain Coalition has evolved from a number of smaller groups into what I believe will be a powerful multi-stakeholder voice for reforming the treatment of pain in Canada.

Honourable senators, pain is truly one of our orphan illnesses. I would ask honourable senators to support the Canadian Pain Coalition and their efforts to ease the pain of millions of Canadians. Thank you very much.

The Hon. the Speaker pro tempore: Is the house ready for the question?

Hon. Eymard G. Corbin: I had hoped that Senator Keon would stand up and say a word about the work we did on the Special Senate Committee on Euthanasia and Assisted Suicide. Incidentally, a review of that report produced a report five years later, entitled "Quality End-of-Life Care: The Right of Every Canadian." Dr. Keon was also a member of the five-year review committee. The Senate's work on those two reports brought it much good publicity.

One of the concerns of the members of that committee — and I have not had time to go back to the original pronouncements and text — was that the committee was rather surprised that end-of-life care to suffering patients was not an area that a lot of people and researchers had looked into. That was, of course, connected with assisted-suicide matters. For example, at what point does the administration of morphine, for example, cease to become an alleviating substance to pain to one that becomes criminalized, because an overdose or an excessive dose, whether medically prescribed or not, can become a criminal matter? However, I do not want to focus on that at the present.

In our five-year review of the report on assisted suicide, the committee heard from some highly professional people in the fields of medicine and pharmaceutical research. We talked to nurses and we also talked to legal experts.

The focus was just beginning to develop on the matter of what to do with end-of-life patients, patients that are going to die

within a certain time span because of the nature of their illness? As everyone knows, an individual can face excruciating pain at the end of his or her life. Our committee believed that that was an area that required very special research.

• (1540)

Fortunately, a number of care institutions do deliver the best possible pain-relieving substances that are currently available, but it is not just substances. It is not just a matter of chemistry. It is also a matter of psychological help.

I received a number of calls regarding this bill because it was anticipated or thought that I would, perhaps, oppose it, because I have stood up before with respect to special commemoration proposals, special holidays or what have you, to voice my concern that there ought to be in this country a program or at least an effort to catalogue, categorize and prioritize these various commemorations. I certainly will not oppose this initiative. I told the people who called my office that I would support Senator Morin's proposal.

Nevertheless, as one who recognizes pain as very much part of our human condition and who recognizes that I may die in excruciating pain myself at some point, I want to reserve my right to speak to the broader question of commemorative days and holidays at another time. I certainly will not oppose this initiative. I support it.

Hon. Wilbert J. Keon: Honourable senators, I thank Senator Corbin for referring to that work and my involvement in it. I had discussed this situation with Senator Morin and I was satisfied that, when he addressed the subject, there would not be very much left for me to say about it. I chose to second his motion and not speak to it.

However, Senator Corbin has raised both issues, and I happen to agree with him on both — we are running out of weeks to dedicate to causes. However, this is a truly important subject and it is in sync with the work done by the Special Senate Committee on Euthanasia and Assisted Suicide five years ago and with the work Senator Carstairs has been doing. The progress that has been made in those five years is truly phenomenal, both from the point of view of funding of appropriate health care delivery and from the point of view of research into pain and better ways of dealing with palliative care.

I commend Senator Morin. I agree with everything he said. I knew what he was going to say in advance. This is a worthy subject to which to dedicate a week. Further to Senator Corbin's comments, though, some thought must be given to dedicating weeks and days to a number of subjects.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

Hon. Michael A. Meighen, pursuant to notice of November 2, 2004, moved:

That the Standing Senate Committee on National Security and Defence be authorized to undertake a study on:

- (a) the services and benefits provided to veterans in recognition of their services to Canada, in particular examining: access to priority beds for veterans in community hospitals; availability of alternative housing and enhanced home care; standardization of services throughout Canada; monitoring and accreditation of long term care facilities;
- (b) the commemorative activities undertaken by the Department of Veterans Affairs to keep alive for all Canadians the memory of the veterans achievements and sacrifices; and
- (c) the need for an updated Veterans Charter to outline the right to preventative care, family support, treatment and re-establishment benefits;

That the papers and evidence received and taken during the Third Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report to the Senate from time to time, no later than June 30, 2005.

Motion agreed to.

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO STUDY INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES

Hon. Nick G. Sibbeston: Honourable senators, I seek leave to move a motion that I gave notice of earlier today.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Sibbeston: Honourable senators, I move:

That, the Standing Senate Committee on Aboriginal Peoples, in accordance with rule 86(1)(q) of the Senate, be authorized to examine and report on the involvement of Aboriginal communities and businesses in economic development activities in Canada. In particular, the Committee shall be authorized to investigate elements that enable Aboriginal communities and businesses to succeed and obstacles to their achievement in all areas of the

economy, including but not limited to: large-scale industrial developments such as pipelines; non-renewable resource developments in oil, gas and mining; renewable resource development; tourism; business services; and other related matters.

That, the committee report to the Senate no later than December 31, 2006.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Terry Stratton (Deputy Leader of the Opposition): Yes, perhaps the senator could explain two things. First, what is the reason for asking that the motion pass today? He has explained this to me and I agreed with him, but I think the chamber should understand why he wants this motion passed today.

Second, this is a new study and, as such, I take it there are dollars attached. If that is the case, how much money will be requested?

Senator Sibbeston: Honourable senators, I have asked you to deal with this motion today because we have already held a number of meetings, all of which have been administrative in nature, and we want to proceed with this matter. Our committee has not dealt with any bills and nor is it likely to deal with any in the foreseeable future. Therefore, we are anxious to undertake a study and permission to proceed will be the result of the passage of this motion. We will immediately plan to have witnesses appear during the week that the Senate resumes. In fact, we propose to have witnesses appear on November 17. However, we will have to wait for another week.

If this motion is passed, the committee has decided that it will undertake a study of the involvement of Aboriginal peoples in industrial projects. We all recognize the problems that Aboriginal people have in matters of unemployment, health and so forth. However, there are areas or pockets in the country, where Aboriginal people have been very successful.

I would point to two such situations in the North with the development surrounding the diamond mines in Yellowknife. Aboriginal people in the area have become very engaged. The Dogrib in the Yellowknife area are the most traditional of any of the groups in the North, yet, in the last 10 years they have become engaged in the project, and very successfully so. They are employed and they have businesses. They have a positive involvement.

As well, since the Inuvialuit people in the Delta settled their land claims in 1984, they have become involved in industry and business to the point where they are very successful. They initiated the move for the Aboriginal people of the North to own one third of the gas pipeline that is likely to be built from the Northwest Territories. We are interested in seeing what factors and elements lead to the success of some Aboriginal people while others fall on hard times. We are interested in the subject.

• (1550)

Harvard University has done a study regarding Aboriginal people that covers this area. There are also experts in our country.

We propose to look at this issue. I think it will be a topical and relevant study because Canada seems intent on helping Aboriginal people. If our country is wanting to do more to assist native people, it is important to know if this can be accomplished by giving more money to them.

That is the nature of the study we wish to undertake. We propose to deal with people in all areas of the country, beginning with those in the North because that is the area with which I am most familiar.

As far as money is concerned, our committee has not determined the amount that will be needed. Initially, we propose to obtain money to hear witnesses so that we can put our minds around the subject and focus on the elements that will be important. After that, we propose to obtain funds to travel, initially to all the regions of the North. We hope to undertake the study within the next two years. However, I hope the work can be completed sooner than that.

Senator Stratton: Honourable senators, I would like to ask a final question. However, I do not want an answer today. Can the honourable senator tell us how much this will cost?

Senator Kinsella: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 16, 2004, at 2 p.m.

Motion agreed to.

The Senate adjourned until Tuesday, November 16, 2004, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Thursday, November 4, 2004

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28							
S-18	An Act to amend the Statistics Act	04/11/02							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19							
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology					
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20							
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27							
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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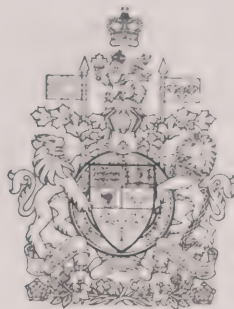
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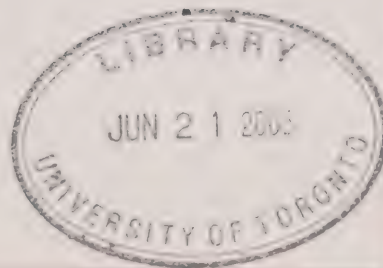
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NUMBER 14

OFFICIAL REPORT
(HANSARD)

Tuesday, November 16, 2004

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, November 16, 2004

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding, I wish to draw your attention to the presence in our gallery of the High Commissioner from Australia to Canada, Tony Hely, and his wife, Wendy Jeffrey.

Welcome to the Senate of Canada.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE LAURIER L. LAPIERRE, O.C.

The Hon. the Speaker: Honourable senators, I received a notice earlier today from the Leader of the Government who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended for the purpose of paying tribute to the Honourable Senator Laurier LaPierre, who will retire from the Senate on November 21, 2004.

I remind honourable senators of the rule regarding the time limit of three minutes per senator.

Hon. Jack Austin (Leader of the Government): Honourable senators, our colleague, Senator and Dr. Laurier LaPierre, established an exceptional career long before he was summoned to the Senate of Canada in 2001. He is an academic, a broadcaster, an authority on our constitutional history and a lover of Canadian culture. An ardent promoter of all things Canadian, he became an Officer of the Order of Canada in 1994.

Senator LaPierre has also been a professor at McGill University, Chair of Telefilm Canada and he hosted his own show, *Laurier Presents*, on the Cable Public Affairs Channel. However, as we all know, he first rose to prominence in Canadian consciousness when he became co-host with Patrick Watson of the CBC's *This Hour Has Seven Days*, which had a short but energetic life. He is the author of an authoritative biography on Sir Wilfrid Laurier, a book I have read with reverence both for the author and for the subject.

Senator LaPierre's deep love for our country has been regularly made evident in the media as he discusses our nation's strengths, it challenges, its identity and its future. His Canada is boundless

and all facets of our lives fall under his benevolent scrutiny. He encourages us to build stronger, to think bigger and to be better. Senator LaPierre is a patriot par excellence and a humanitarian in the service of all Canadians.

Honourable senators will remember Senator LaPierre's recent Address in reply to the Speech from the Throne of this Thirty-eighth Parliament. In it he declared that Canada "must be an instrument for creating peace and harmony around the world," as faithful an articulation of the intended aims of our foreign policy as I have ever heard.

[Translation]

In that fervent speech, he tried to awaken in Canadians the desire to learn more about themselves.

Senator LaPierre's contribution to that effort, and his work with the Historica Foundation, have enabled Canadians of all ages and from sea to sea to learn more about our wonderful country. It can be stated with absolute conviction that he has praised the merits of Canada throughout his entire life, and paid tribute to the spirit of a country that knows no equal, a country truly unique in the world.

[English]

In this, his friends and colleagues would agree, including long time friend and colleague Patrick Watson, who passed on a few words to me for this auspicious occasion:

Laurier LaPierre's passion for Canada is widely known. Let me add only that his unfailing loyalty to his friends, among them his beloved country, marks him as one of the most extraordinary human beings I have ever known.

We are honoured here in the Senate of Canada to have benefited from his experience and fully expect that Senator LaPierre will continue to be feisty and articulate in defence of Canadian values. We wish him well as he enters a new phase full of choices and opportunities.

[Translation]

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, it is now my turn to have the honour to pay tribute to Senator LaPierre, who will be retiring from the Senate on November 21, after sharing a few years with us here.

Canadians first came to know Laurier LaPierre as co-host of the ground-breaking public affairs program *This Hour Has Seven Days*. His dogged determination to get to the truth behind current events set the benchmark for all public affairs programming since then, not just in Canada but in the United States as well.

[English]

However, Senator LaPierre is much more than a pioneer in public affairs programming. He is a publisher and author, many of his books dealing with his great love, Canada. Canada, Laurier and Quebec are among his favourite subjects for his literary talents. He is also an educator, having been on the faculties of the University of Western Ontario, Loyola College and McGill University, as well as visiting professor of journalism at the University of Regina. However, it is for his work here in the Senate that we appreciate Laurier's commitment to Canada. He tirelessly advocated for a standing Senate committee on culture and heritage. While we have yet to establish such a committee, we all appreciate his commitment to the advancement of Canadian culture and the preservation of our heritage.

Senator LaPierre has also displayed his love for the history of Canada and for Canada's agricultural roots through his role as Honourary Chair for the Historica Foundation's Heritage Fairs Programme. As he has often commented, being a champion of Canadian heritage is a most rewarding pursuit.

• (1410)

Senator LaPierre is a man of many talents — talents he has shared with us since 2001. We are truly fortunate to have witnessed at first hand his devotion to our great country. On behalf of the Conservative caucus in the Senate, Laurier, I wish you well as you enter another phase of your life, which to date has been a highly public contribution to the growth of Canada. We wish you well; à santé, senator.

Hon. Joan Fraser: Honourable senators, as we move through life, and as the decades pile up and the hair turns gray, one of the hardest tasks or challenges that we face is to retain the capacity for wonderment and for passion. We come to think we have seen it all. We no longer feel wonder; and we find it harder to become truly impassioned about anything — which does not mean we do not care but, too often, simply that passion is gone.

Senator LaPierre, more than anyone I know, has preserved intact his capacity to feel wonderment about the beautiful things of this world — about children, about natural beauty, about our country and about our history — and his capacity to feel passion, not least rage, about the things that are wrong with the wonderful world that he sees and that he wants us to create. It has been an inspiration, in a real sense, to be able to sit in this chamber and to work in committee with someone who has those wonderful qualities.

I feel doubly fortunate because at the beginning of my career he was an inspiration to me. I was a young journalist in the mid-sixties and Senator LaPierre was one of the people who demonstrated to us all not only that journalism could and did matter but also that journalism could — and did, when properly done — move whole societies. He never stopped doing that. He never stopped working to change whole societies for the better. For both of those things, Senator LaPierre, along with all the other things that honourable senators have mentioned, I give you my most humble thanks and all of my good wishes.

[Senator Stratton]

Hon. Mobina S. B. Jaffer: On September 18, 2001, four senators were sworn in. This group included myself, Senator Léger, Senator Lapointe and, of course, Senator LaPierre. We all came from different walks of life and we all hoped to be instrumental in the work of this place. Although Senator LaPierre was granted the shortest time of all of us to accomplish that task, there can be no question that he has left a strong mark here.

In 2001, I knew Senator LaPierre in the same way that many Canadians know him best: through his work on CBC's *This Hour Has Seven Days*. However, unlike many Canadians, I have had the privilege to be his seatmate in the Senate for these past years. I now know him better, not only as a public figure but also as a person.

Senator LaPierre is one of the greatest communicators that we have. When he speaks, he has the ability to bring an issue to life and raise it right to the rafters of the chamber and beyond — and he does this with great passion. When Senator LaPierre talks about something, you understand not just what he thinks about it but also how he feels about it.

Since his appointment, Senator LaPierre has taken a lead role when it comes to addressing media concentration within this country. He has also been a strong supporter of gay marriage rights and the inclusion of sexual preference in the hate crimes section of the Criminal Code.

On a personal note, besides being my seatmate in the Senate, for most of my time here Senator LaPierre has been a great friend to me. Without him I might have had greater difficulty finding my way around Ottawa. He has been a guide and an inspiration to me.

Most of all, I think, all of us will remember him for the real passion that he brought to this institution. I know I will not be the only one who is sad to see him leave us so soon. However, I know that he will always be the Honourable Laurier LaPierre, O.C., and that he will be sure to lend his voice whenever it is needed to help keep Canada the greatest country in the world.

Vive le Canada!

Hon. Terry M. Mercer: Honourable senators, it is my pleasure to pay tribute today to my esteemed colleague Senator Laurier LaPierre. We are all aware that Senator LaPierre is well-known and respected across Canada for his achievements as an author, a communicator, a commentator, a journalist and an educator. There is no question that he is possessed of an immense curiosity and willingness to learn and to teach. These are qualities by which all Canadians should define themselves.

An Officer of the Order of Canada since 1994, Senator LaPierre has dedicated his Senate career to being a staunch supporter of culture and heritage in Canada. His amazing capacity for advocacy on issues that matter to millions of Canadians is the envy of us all. Honour, respect and generosity are values that all Canadians hold dear. Senator LaPierre has shown his outstanding generosity and hospitality through many dinners and celebrations that bring Canadians together from all walks of life for great discussion and dialogue. As well, he possesses a much envied art collection that inspires would-be collectors of all ages.

Honourable senators, I would like to point out a specific incident from March 20, 1966. Senator LaPierre was so moved by an interview with the mother of a very young Stephen Truscott that he shed a tear on camera. In some eyes, this was unorthodox behaviour for a journalist, but in my eyes it only heightened my respect for a person of profound emotion, touched with love for the human race.

Honourable senators, I will miss Laurier, but I will also miss his staff, Doris Cowley and Ann Charron, as I walk by their office every morning. Their smiling faces, always pleasant to me, will be missed in that corner of the East Block. I have no doubt that they, and all of us here, will miss Senator LaPierre's smile as well.

I want to wish Senator LaPierre and his partner, Harvey Slack, all the best for the future. Honourable senators, you all know by now that I seldom criticize former Prime Minister Jean Chrétien's judgment, but I must say that I disagreed with him on Senator LaPierre's appointment — it should have happened much earlier.

[Translation]

Hon. Jean Lapointe: Honourable senators, as Senator Jaffer has said, when we four were appointed to the Senate, I was delighted to meet up with this highly talented man again. I say again because, although he may not remember it, I have fond memories of being a guest on one of his programs. I thus have had the opportunity to come to know this man of integrity, this indefatigable worker, the brilliant, generous, sensitive and charming Senator LaPierre.

We became friends and allies, and have supported each other through some memorable verbal battles with a certain lady colleague.

In private, the venerable Senator LaPierre has sometimes said he was getting a bit senile. My dear Laurier, if you are a bit senile, I am a merry fool.

[English]

The Hon. the Speaker: Honourable senators, I regret to advise that the time for tributes has expired. Still on the list are Senators Banks, Spivak and Trenholme Counsell. I understand there will be a request under Notices of Inquiries to return later this day to tributes to Senator LaPierre.

• (1420)

Before I call on Senator LaPierre, I should like to draw your attention, honourable senators, to the presence in our gallery of Harvey Slack, Senator LaPierre's partner, and Carolyn Rompkey, the wife of Senator Rompkey. Welcome to the Senate of Canada.

[Translation]

Hon. Laurier L. LaPierre: Honourable senators, I want to begin by thanking all of you for your kind words and for making me seem less senile than I thought I was. Thank you for this tribute. My friend Senator Léger told me that if I am senile at 75, she only has a year to go before it is her turn. I must say to Madame Léger: "You will never become senile, my dear, never ever."

[English]

I prepared some notes but I cannot read them.

Senator Joyal: Do you want my glasses?

Senator LaPierre: No, I do not need glasses; I will not be able to read them anyhow.

I must say from the heart that I thank you all for your hospitality and generosity of spirit. You took a simple orphan coming out of nowhere and you transformed him into a human being that you can bring to your house for dinner. Therefore, I thank you for that. I thank those of you who have agreed with me; and those of you who have not agreed with me, I thank you as well, but you are still wrong!

I should like, in passing, to offer my apologies to Senator Cools. Pride and an overcharge of arrogance launched a war between us. It had absolutely nothing to do with her; it had to do with me. I want to apologize to her for that, because I think at times I humiliated her. This I can do quite easily, and not always willingly. It stopped me from being able to tap into that deep well of knowledge that she has about parliamentary life, parliamentary history and parliamentary practice. Therefore, if someone sees her, tell her that I am the poorer for not having become her friend and for having turned myself away from her friendship. For that I am terribly sorry, Madam.

Now I would like to tell you something else. I love people. I have a hard time not loving people. I do not know why, I just have a hard time; whether they be males or females, it makes no difference to me. There are things I do with one that I do not do with the other, but that is another matter. I do not need to go into that at this time.

I found in the Senate a source of friendship, but I also found inspiration: inspiration in the work that was being done; inspiration in the ideas that were being proposed; inspiration in the tasks that we gave ourselves, and the astonishing amount of work that senators have done and are doing. However, I objected to the language, which I found always so stilted and which looked highly ridiculous, useless and easy to misunderstand on television. I also objected to the ceremonies that go on and on, and to the seniority that is an obstruction to freedom and things of that nature. However, I have adjusted myself to all of that, especially under the guidance of Senator Bacon who, whenever I said something improper, would look at me as if to say, "This is it, young man. You are out of here." I have remained, therefore, always the same polite and gentle man that I was meant to be.

I have learned a lot here. I thought that I had come here with a lot of knowledge but I learned more than I had known previously. I learned how it all works. Before that, I only had vague ideas of how it worked, and most of those ideas and opinions were not really valid. I also learned that ideas matter, that the defence of ideas can be carried out in the spirit of humanity, and that it is possible to be polite, gentle and kind and, at the same time, to make points that kill. This is a kind of technique that I have always loved.

I have also been impressed by the immensity of the minds around me, and especially those who shared in the struggle to legalize or decriminalize gay relationships and also to have the assent to same-sex marriage. I thank you again for your role in that, Senator Murray.

I find that I have accomplished certain things here, there and everywhere. I would have liked to have accomplished more, but that could not be. I would have liked to have been more brilliant, but that could not be. I would have liked to take you all to dinner and buy you a lot of good Scotch, but that could not be since I do not have the income of Senator Austin.

I liked the idea of talking with you about problems and matters that really were important to me and to you. I found that most things that I cared about, you cared about as well, and sometimes more strongly than I did.

To the Leader of the Opposition, I offer my thanks and my gratitude for his long friendship and knowledge of me and some members of my family, and for his kindness for now and then tapping me on the shoulder to calm me down. I also want to thank the leaders and the whips of my party for having guided me along.

To Harvey Slack, I say thank you. None of this would have been possible without you. Your kindness and your generosity have made that possible, and I thank you very much indeed. Also, to the members of my family, both immediate and elongated — which is all the same at the end of the day — I also thank you. To the kind people who sit at this table, and the kind people who sit over there and immortalize my words through various kinds of machinery, I thank you all for performing your tasks; and as well you, Your Honour, and the pages.

[Translation]

Good luck and thank you. I will be back. Au revoir; I will be back.

[English]

Hon. Senators: Hear, hear!

THE SENATE

PUBLICATION OF PAMPHLET ENTITLED "CANADA — A CONSTITUTIONAL MONARCHY"

Hon. Serge Joyal: Honourable senators, it is a great pleasure for me today to draw your attention to the publication by the Senate of a pamphlet entitled, "Canada — a Constitutional Monarchy/Le Canada — une monarchie constitutionnelle."

In fact, it is a premiere. In my recollection, this is the first time that a House of Parliament has dared, might I say, to explain for the benefit of all Canadians the nature of our constitutional monarchy. To use an expression that is popular in some milieux, it is "politically incorrect" to allude to Canada as a constitutional monarchy.

I suggest to honourable senators that the pamphlet will be helpful in any public debate on the future of our institutions of government because it will bring factual information to the

debate. This project of publication stems from the portraits of monarchs — French, British and Canadian — that adorn the foyer of the Senate and the Salon de la Francophonie. If those works of art are to remain within the Senate precincts, we should be able to inform visitors to Parliament of the reasons for their presence on our walls.

[Translation]

As the pamphlet says:

The Crown occupies a central place in our Parliament and our democracy that is based on the rule of law and respect for rights and freedoms.

[English]

The Crown embodies the continuity of the state and is the underlying principle of its institutional unity.

[Translation]

The pamphlet contains a portrait of each of the 14 sovereigns that have ruled Canada since 1534 and describes how, under each of them, Canada has progressed from being a French colony to a British colony to an independent dominion and finally a fully sovereign country.

[English]

It is an honour to invite all honourable senators to read through the pamphlet and realize how our country has evolved as a full sovereign nation in an evolutionary process that has maintained our roots with our glorious past and our hopes for a peaceful nation and world based on respect for the rights and freedoms of all of its citizens.

• (1430)

I should like to thank the members of the Standing Committee on Internal Economy, Budgets and Administration and its chair in the previous Parliament, Senator Lise Bacon, the Senate's Communications Directorate, in particular Diane Boucher, the members of the Art Advisory Committee of the Senate and its retired former chair, Senator Richard Kroft, and of course Fonds Canadienne and Director General Harvey Slack, for their support in the production of the publication, which is hereafter available to all visitors of Parliament.

JUVENILE DIABETES

Hon. Wilbert J. Keon: Honourable senators, I draw your attention to a very special group of young Canadians who have travelled from all regions of the country to Parliament Hill today. All of them are living with juvenile or type 1 diabetes, a serious autoimmune disease that can lead to many devastating and life-threatening complications. Juvenile diabetes affects more than 200,000 Canadians, many of them children, and is the leading cause of kidney failure, amputation, blindness, nerve damage, heart disease and stroke.

I had the privilege of meeting with some of these young people today. They shared with me the promising research that is taking place in Canada and around the world that could lead to a cure for juvenile diabetes. However, more research dollars are needed to make a cure a reality. Indeed, we only fund research in this area at about one eighth the level of our American colleagues.

Honourable senators, here are some of the interesting facts. Type 1 diabetes affects 1 in 500 people. People of any age can develop type 1 diabetes. Most people with type 1 diabetes have no other relatives with diabetes. Parents, brothers and sisters of those with type 1 diabetes have approximately a 1 in 20 chance of developing it. Type 1 diabetes is not inherited, but the risk of it can be of genetic makeup, even when there are no known cases of type 1 diabetes on either side of the family.

Juvenile diabetes research foundations work tirelessly to raise research dollars, but they need further support from the Government of Canada to invest in the future of these children and provide more funding to Canadian type 1 diabetes research. We spend billions of dollars each year on health care delivery to these patients, but we are only funding the research at one eighth the level of our American colleagues. We must do better than that.

[Translation]

THE SITUATION IN PALESTINE

Hon. Marcel Prud'homme: Honourable senators, Mr. Palestine is dead. But as I told the Montreal newspaper *La Presse*, there are tens of thousands of Arafats among the children in refugee camps all over, who are just waiting for the right moment to take on the cause of freedom and true justice for this nation that has been scorned, mistreated, robbed, humiliated, terrorized, isolated, and stripped of its dignity.

One day this proud and noble nation must be given back what has largely been taken from it, with the complicity or agreement of Canada, since November 29, 1947.

On that day the United Nations adopted a resolution dividing Palestine into two states, one for the Palestinians and one for the Jews, and making the holy places international. The votes were 33 in favour, 13 opposed and 10 abstaining. This resolution was well-prepared and written with the help of a justice of the Supreme Court of Canada, Mr. Justice Ivan Rand. Canada's Under-Secretary of State for Foreign Affairs, Lester B. Pearson, was one of the main suppliers of the votes needed to adopt resolution 181.

Soon, before the Senate adjourns for Christmas and the New Year, I shall present a notice of inquiry into Canada's role in the Israeli-Palestinian conflict. Thirty years ago, on November 13, 1974, I was present at the United Nations for the speech by President Arafat who was reaching out to us, but we let him down. I was appointed as a delegate by Pierre Elliott Trudeau who always honoured me with his trust.

Yasser Arafat has left us, and his brother, Dr. Fathi Arafat, president of the Palestinian Red Crescent — which parallels the Red Cross — has gone to join him as well, for he died yesterday.

Honourable senators, I invite you to reflect upon all that my country, Canada, could have contributed to attain peace and justice in that region of the world. Why we were unable to play a true leading role in the resolution of this immense tragedy? Those who have obstructed this role over the years must be named.

I shall conclude by reading what I said to *La Presse* on Saturday, November 13, from page A18:

We will have to pay if we do not settle the Palestinian situation. I have always compared it to a cancer that will spread over the earth and bring nothing but problems.

I said that in 1970 in Egypt at the conference of parliamentarians for peace in the Middle East, and I repeat it today. Rest in peace, dear friend — Palestine shall live!

[English]

UNIVERSITY OF OTTAWA

COMMUNITY LEARNING PROGRAM

Hon. Laurier L. LaPierre: In September 2004, the University of Ottawa launched a community service learning program as part of its academic options. This is one example of how "Canada's University" promotes Canadian values and demonstrates the best in young Canadians. Community service learning allows students to shape and improve their society, while at the same time gaining a deeper understanding of the course material. Students engaged in community projects and through various means relate their experiences back to the courses. Already, nearly 80 students are actively engaged, assisting various elements of our society.

We in the Senate should take this opportunity to applaud this marvellous program that encourages social responsibility and compassion in our young people. Please join me in congratulating the University of Ottawa, for creating such a dynamic and valuable educational experience.

Honourable senators, while you are at it, you might applaud Doris Cowley and Ann Charron, who have helped me for four and a half years to be the brilliant and magnificent person that I am.

Hon. Senators: Hear, hear!

MOTHERS AGAINST DRUNK DRIVING

Hon. Marjory LeBreton: Honourable senators, this morning at a 10 a.m. press conference, Mothers Against Drunk Driving, or MADD Canada, urged the federal government to eliminate the use of conditional sentences for violent impaired driving crimes — the Criminal Code's definition of impaired driving causing death and impaired driving causing bodily harm.

Petitions were signed by 33,530 individual Canadians calling on the Minister of Justice to act on Canadians' desire to see an end to the use of conditional sentencing for offenders of violent crimes where a person has been killed or seriously injured.

The use of conditional sentences for violent impaired driving crimes is a travesty of justice. It is a travesty that a person who has killed or seriously injured another innocent victim is given the opportunity to avoid prison time that he or she so richly deserves. After all, prison time is part of our correctional services in Canada and is most appropriate with the worst types of crimes where there has been a death or serious injury.

MADD Canada speaks from the victim's perspective on this issue. Not enough is said about the value and respect of a human life in today's judicial system. For victims and their families, the use of conditional sentencing where a person has been killed or seriously injured is an insulting example of how our system is tilted toward consideration of the offender. It is time for our federal government to correct how and when conditional sentences are used in our country. Parliament needs to clarify for what crimes conditional sentences are intended. Parliament must ask: Is the use of conditional sentencing appropriate where a life has been taken or a serious injury has occurred?

The majority of the country's provincial justice ministers and attorneys general support the elimination of conditional sentences for violent crimes. In fact, the federal Minister of Justice has been asked by his provincial counterparts to end the use of conditional sentences in cases involving violent crime.

Honourable senators, public opinion polls tell us that the majority of Canadians, 70 percent, oppose the use of conditional sentences for persons convicted of a violent crime. Two in three Canadians, or 65 percent, support MADD's call for the elimination of conditional sentences for violent impaired driving crimes. Our judicial system and federal politicians have to catch up with the public in this country today.

The new President of MADD Canada, Karen Dunham, is here along with Andrew Murie, MADD Canada's CEO, to say to the government, to the Minister of Justice and to Parliament, put a stop to the use of conditional sentencing for violent impaired driving crimes.

• (1440)

DIABETES

Hon. Marilyn Trenholme Counsell: Honourable senators, I have more to say on the subject of diabetes. Today I pay tribute to Sir Frederick Banting by bringing to the Senate a subject near and dear to my heart, namely, diabetes mellitus.

Diabetes in Canada today is an epidemic. More than two million Canadians, or one in 14, live with diabetes. Research indicates that the incidence of diabetes will rise by an astonishing 72 per cent by 2016. Amongst First Nations, Metis and Inuit peoples in Canada, the incidence of diabetes is even greater. Aboriginal peoples are three to five times more likely to have diabetes, to be diagnosed with diabetes earlier and to die from complications sooner than other Canadians.

Another growing tragedy is that greater numbers of Canadian children are being diagnosed with type 2 diabetes. Twenty years ago, we did not hear of children with type 2 diabetes. Why is this

happening? Sadly, 85 per cent of children with type 2 diabetes are either overweight or obese at the time of diagnosis. Today, one in three of Canada's youth is overweight or obese. In New Brunswick in 1998-99, 33.8 per cent of children were overweight compared to 9.9 per cent in 1981.

We know that being overweight and physically inactive are two of the many high risk factors for developing type 2 diabetes. With early diagnosis, aggressive treatment, supportive education and lifestyle changes, type 2 diabetes, as well as the costly complications associated with that condition, can be delayed and even prevented. It is not easy to convince someone with a mild elevation of blood sugar — early diabetes mellitus — that years from now, he or she may lose a leg, become blind or suffer kidney failure. This, and much more, is the heart-breaking story of diabetes mellitus.

Losing just 5 to 10 per cent of weight can make a difference to the health risks, and today the individual is a full partner in managing his or her own diabetes. However, prevention should top the agenda. Research has proven that people at high risk of developing diabetes who went on intensive healthy eating and active living regimes reduced their risk of developing type 2 diabetes by 58 per cent.

Education is key. Lifestyle changes are fundamental. Exercise is just as important as the food we eat. Communities must focus on skating rinks, swimming pools and recreational programs, but parents should be the first responders to this challenge. On a personal note, I am suggesting a book and a skipping rope for every child at Christmas: something for the head and something for the body.

Having more diabetes educators, dieticians and nutritionists readily available in communities, in health care settings, will ensure that meaningful education is accessible and free. Canada needs a national diabetes strategy that includes immediate action to address the serious diabetes epidemic in our country and tackles the diabetes pandemic in our Aboriginal communities today and tomorrow. Only by acting now can we prevent Canada's health care system from being overwhelmed.

Dr. Frederick Banting's brilliant discovery, in collaboration with Dr. Charles Best and their colleagues, was the first giant step. Let us follow this path with diligence and hope.

WORLD WAR II

ITALIAN CAMPAIGN—SIXTIETH ANNIVERSARY

Hon. Gerard A. Phalen: Honourable senators, it was a great privilege for me to have been a member of the Minister of Veterans Affairs' recent delegation to Italy to mark the sixtieth anniversary of the Italian campaign. This 20-month long battle to liberate Italy saw nearly 100,000 Canadian soldiers fighting alongside Allied forces, thus ensuring us the freedom and liberties we enjoy today. The Italian campaign left almost 26,000 Canadians wounded and 6,000 who died in battle. To repeat the speech I gave in Agira, Italy: So many dead, so many more wounded in body and spirit.

When the battle for Sicily was over, it was the Canadian soldiers who had marched the most miles in the scorching summer heat. They made it up more mountains to engage in more successive battles than any other Eighth Army troops. It was Canadian soldiers who engaged the enemy the most times. All in all, it was a triumph of endurance and initiative. In the end, they became the men who won the respect of friend and foe alike.

When we hear these stories of war, we shake our heads and say, "How horrible." To really understand, however, perhaps it is best to hear about some of those who fought and died in Italy. There were, for instance, the MacKay boys of Prince Edward Island. Both Mackay boys signed up and were sent overseas. Seventeen-year-old Leigh MacKay lies buried in the Canadian war cemetery in Agira. His older brother, Ken, served for two full years in Italy. We were fortunate to have Ken with us in the delegation to Italy. I am sure that the death of 17-year-old Leigh MacKay left a wound on the hearts of both Leigh's parents and his brother, who was fortunate to survive that campaign.

The other thing I fear when I hear statistics like 6,000 dead is that future generations will not feel the impact of these losses. That is why I was so pleased to be part of a delegation that included a youth representative from each province and territory. Through sharing this experience with the veterans, these young people will be lifelong witnesses in reminding their families and communities of what these veterans went through on our behalf. These young people were also witness to the gratitude of the Italian people that was so evident in the meticulous care given to our boys' graves and the genuine gratitude shown to our veterans on this trip. As we always say, it is to the next generation that we pass the torch of remembrance.

Honourable senators, it was a privilege and an honour to participate in this delegation marking the sixtieth anniversary of the Italian campaign, and I hope that this upcoming Year of the Veteran will see many of you visiting our war cemeteries in Italy. You will find it a truly moving experience.

[Translation]

ROUTINE PROCEEDINGS

PRIVACY COMMISSIONER

2003-04 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the report of the Privacy Commissioner for the fiscal year ended March 31, 2004, pursuant to the Privacy Act.

[English]

INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (AIRCRAFT EQUIPMENT) BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-4, to implement the Convention on International Interests in Mobile

Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Phalen, bill placed on the Orders of the Day for second reading two days hence.

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES DEALING WITH DEMOGRAPHIC CHANGE

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with the demographic change that will occur in Canada within the next two decades; the implications of that change for Canada's economy, labour market and retirement income system; and federal actions that could be taken to ensure that any implications of future demographic change are, to the extent possible, properly addressed; and

That the Committee submit its final report no later than June 30, 2005.

• (1450)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES DEALING WITH INTERPROVINCIAL BARRIERS TO TRADE

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with interprovincial barriers to trade, in particular the barriers that exist; the extent to which they are limiting the growth and profitability of the affected sectors; and measures that could be taken by the federal government to facilitate the elimination of such barriers in order to enhance trade; and

That the Committee submit its final report no later than June 30, 2005

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY ISSUES DEALING WITH
RATE OF PRODUCTIVITY

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with productivity, in particular the rate of productivity in Canada and in relation to our major trading partners (especially the United States); the extent to which the rate of productivity is limiting economic growth and the well-being of Canadians; and federal and other measures that could be taken to enhance Canada's rate of productivity growth and competitiveness; and

That the Committee submit its final report no later than June 30, 2005.

THE HONOURABLE LAURIER L. LAPIERRE, O.C.

NOTICE OF INQUIRY

Hon. Tommy Banks: Honourable senators, with leave of the Senate and notwithstanding rule 57(2), I give notice that later this day I will call the attention of honourable senators to the contributions to the Senate made by Senator Laurier LaPierre, who will retire on November 21, 2004.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

QUESTION PERIOD

HEALTH

NEWFOUNDLAND AND LABRADOR—
INNU SUICIDE RATE—PREVENTION WORKSHOPS

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government in the Senate regarding Labrador Innu suicide rates. A study from the Newfoundland and Labrador Centre for Health Information has been released which illustrates the dire situation facing Labrador's Innu population. First, on hospitalization figures between 1988 and 2000, the study shows that the suicide rate among younger Labrador Innu is 20 times the suicide rate of other Newfoundlanders in the same age group.

Could the Leader of the Government in the Senate tell us if the results of this study have prompted the federal government to review the efficacy of its suicide prevention programs for Labrador Innu?

Hon. Jack Austin (Leader of the Government): I thank the honourable senator for his question. All of us in the chamber are aware of the serious social issues that exist among the Innu of

Labrador. The federal government, along with the government of Newfoundland and Labrador, has invested a considerable amount of money to change the habitation of one of the major Innu communities. They have moved from one area to another where new housing, schools and service facilities were built, but the social improvement rate there is not attractive. The social progress is disappointing.

With respect to the senator's specific question, I will look into the matter and report as soon as I can.

Senator Keon: Honourable senators, in recent months, a native community in Labrador has witnessed the suicides of four young men, their ages ranging between 26 and 17 years. The community's former chief said that after the second suicide, Health Canada was asked for emergency help that it did not provide. The chief also said that two suicide prevention workshops promised earlier in the year were not held. The federal minister said in September that the department would look into those complaints.

Could the Leader of the Government in the Senate tell us if these complaints have been dealt with?

Senator Austin: I will make inquiries, Senator Keon, of the Minister of Health and endeavour to report as quickly as I can.

Hon. Gerry St. Germain: I have a short supplementary question for the Leader of the Government in the Senate. I do not think there is any question that this government — and previous governments — have poured money into this particular community. Has there been any thinking "outside the box," instead of just dumping money in? We have a situation in this particular community where we require one-on-one counselling, and I am not standing here being critical. As Senator Keon points out, four more kids have gone, and so nothing has changed.

This situation all started as a result of governments' dislocating these people from their original grounds and moving them to another community. I think Senator Rompkey, who is sitting right beside the leader of the government, knows the situation; I do not have to explain it. I am simply asking whether any thought has been given to thinking outside the traditional box of just giving money?

Senator Austin: I am aware, Senator St. Germain, that neither Senator Keon's question nor your own is based on partisan politics. All of us have a deep concern for the welfare of the Innu community in Labrador, and various efforts have been made by various governments down through the last few decades to improve the social conditions there. This group of people was nomadic in its original patterns when it met the European community, and to provide them with services, they were encouraged to settle in various locations. Perhaps those locations were not well chosen, and perhaps they were not well served, once chosen, but the issue today is that the symptoms of social despair are too much at large in that community.

We have, as you recall, tried to deal with problems that related to sniffing gasoline and other practices that were bad for young people's health. We moved many of these young people to centres in Canada where they were given new training and teaching. They were freed, if you like, from the drug control that they were under, but I cannot report at the moment whether any of those programs have made material progress in the lives of those young people.

JUSTICE

COPYRIGHT BOARD—TARIFF INCREASES INVOLVING MUSICAL WORKS—INFLUENCE OF PARLIAMENTARY SECRETARY TO MINISTER OF CANADIAN HERITAGE

Hon. David Tkachuk: Honourable senators, on November 2, during Question Period, I asked the Leader of the Government some questions regarding retroactive fees charged to karaoke bars going back to 1998. I have not yet received an answer, but I would like to pursue this line of questioning a bit further.

At that time, I asked about a decision that seemed to have been made a short time before the election to court favour in the entertainment business. I asked the Leader of the Government to inform the Senate when SOCAN asked the Copyright Board to increase the tariffs, and whether SOCAN bought any tickets for Liberal fundraisers during 2003-04. The Leader of the Government said that he would make inquiries with respect to those questions and seek factual answers.

Honourable senators, to help him along and add to his research, there is a partial answer to my second question: that SOCAN, one rights holder group, had on its official calendar during the election period Sarmite Bulte's campaign fundraiser of June 23. Ms. Bulte was at that time — and still is, I believe — parliamentary secretary to the Minister of Canadian Heritage. Her fundraiser was scheduled just days before the June 28 national vote.

My question is: How many other stakeholder groups or rights holder groups who benefited from the retroactive fees held fundraisers for Ms. Bulte during, or even shortly before, the writ period?

Hon. Jack Austin (Leader of the Government): I recall the question asked by Senator Tkachuk. I do not have an answer to the original question as yet, and I am not sure to what extent I will be able to answer the question he has just asked. I answer for the government to the extent that any government funds are involved. In that respect, I should be able to provide an answer.

Senator Tkachuk: The Canada Elections Act is very clear on the amount of contributions that can be made. What is more troubling is the potential manipulation of the system, namely, what comes first, like tollgating. What I have found is that retroactive charges were made in March, and then a fundraiser followed shortly thereafter. How long in advance was this particular fundraiser planned? Did it hinge on whether retroactive fee schedules would be passed?

• (1500)

Further, were individual members of SOCAN required to pay the cost or was this a contribution from the organization called SOCAN? What contract was there between Ms. Bulte's office and SOCAN? What phone calls were made and who collected the

money? Was it campaign staff or the parliamentary secretary's staff?

Senator Austin: To the extent that the inquiry just made by Senator Tkachuk seeks facts in the possession of the government, I will endeavour to supply an answer at an early time.

Senator Tkachuk: According to an article in the *Toronto Star* on June 14, 2004, Ms. Bulte and her riding association accepted thousands of dollars in campaign contributions from rights holders, groups and broadcasters. This acceptance does not signify impartiality on her part, even though she was chair of the copyright reform hearings — a role that requires impartiality — that determine the retroactive fees as well as other copyright reforms. Does the government seriously expect anyone to believe that she was an impartial chair of that committee?

Senator Austin: Honourable senators, I am quite happy to stick with the facts. If Senator Tkachuk has a charge to make against a member in the other place, I would be very interested to hear him make it and base it on facts.

Senator Tkachuk: I did give a number of pieces of information for the minister to work on, since in the past he has required a lot of detail in the question preceding the answer. I am trying to be as precise as possible so that he can answer the questions precisely. I will continue to do that with all other questions.

Senator Austin: I am most grateful to Senator Tkachuk for being as precise as possible, as both he and Senator Stratton know that I like to be quite precise myself.

HEALTH

ADVERTISING TO REDUCE TOBACCO USE

Hon. Mira Spivak: Honourable senators, tobacco kills 47,000 Canadians every year and is still the number one cause of preventable death in this country. With that in mind, on April 5, 2001, the then Minister of Health and the then Minister of Finance, Paul Martin, announced a comprehensive strategy to improve the health of Canadians by reducing tobacco use. They promised \$480 million over five years to Health Canada's Tobacco Control Program. Approximately \$210 million of that total was to be directed toward a mass media campaign, with a particular emphasis on youth and other high-risk groups. In the last six months, however, these ads themselves seem to have gone up in smoke. While spending on advertising to discourage tobacco use was to increase as the five-year program advanced, it is in fact being decreased.

Honourable senators, I will ask a very precise question. What is the government's commitment to placing these important ads in the media and how much has been spent on the ads to date? This question is somewhat politically motivated. Has its promise to Health Canada's program been eroded by the restructuring of government advertising, a restructuring that followed the investigation into advertising and sponsorship spending by other departments?

I realize that the government leader may not be able to answer the question right off the bat.

Hon. Jack Austin (Leader of the Government): Honourable senators, part of the question seeks facts and I will endeavour to obtain them for Senator Spivak.

I believe it is common knowledge, however, that the Government of Canada suspended its total advertising program in order to examine the processes under which the past program was carried out, and the Government of Canada is proceeding with a different model for informing the public of public programs.

Senator Spivak: Is the government's commitment to the amount of money that was to be spent over four years still in place? Is it still a viable commitment and will that sum of money indeed be spent?

Senator Austin: Honourable senators, it is a very precise question and I need to provide a very precise answer.

PUBLIC WORKS AND GOVERNMENT SERVICES

SPONSORSHIP PROGRAM— EXPENDITURES ON PUBLIC OPINION POLLS

Hon. Consiglio Di Nino: Honourable senators, the Auditor General's report that told us about adscam also told us that the government was ignoring its own rules by spending tax dollars on partisan polls. What did the Liberals do when the report came out? Having the usual respect for taxpayers, it immediately shelled out \$127,000 on a poll to help them find ways to soothe voter anger. This poll was taken in the middle of February. Unlike previous polls in the "Listening to Canadians" series, this one was not posted on the Internet. Most of us knew nothing about it until it was reported by Southam News on November 8. Apparently the government released the results the same way it releases most other polls. It sent off copies to the National Library and the Library of Parliament in September. Why was this poll not posted on the Internet at the appropriate time, like all other previous "Listening to Canadians" polls?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would ask Senator Di Nino if he could be more precise in identifying the poll he is inquiring about.

Senator Di Nino: I will repeat what I said. Immediately after the report of the Auditor General came out, the Liberal government conducted a poll, at a cost of \$127,000, to in effect find ways to soothe voter anger over the Auditor General's report. If the leader does not remember all of that, I will obtain the specifics and give them to him in the next day or so.

Senator Tkachuk: They should be able to find that. They have a good research office.

Senator Austin: I believe the honourable senator is referring to a survey called "Listening to Canadians," which was conducted by the former Communications Canada, in accordance with a predetermined schedule, between February 3 and 15, 2004.

Senator LeBreton: That is right.

Senator Austin: Senator LeBreton says that is right, so I believe I have the right poll.

Senator LeBreton: I think so, but there are so many it is hard to guess.

Senator Austin: It is quite usual for a government, including governments formed by the party opposite, to ask questions relating to public policy in polls. For example, the government has sought the views of Canadians on such issues as the Kyoto Protocol, infrastructure spending and the economy. This particular report is identical to that. It contained no questions on voting behaviour or political party images.

Senator Di Nino: I will ask my question again: Like all other "Listening to Canadians" polls, why was this last one not posted on the Internet but sent, in a rather unusual manner, to the National Library and the Library of Parliament in September?

Senator Austin: I will inquire about the practice of making polls of this kind public and advise Senator Di Nino in due course.

Senator Di Nino: While the minister is doing that, would he also find out exactly who saw this poll prior to it being made public; was it only Communications Canada or was cabinet also given a copy? Can the minister also inform us whether the Liberal election strategy team saw the poll before it was made public?

Senator Austin: Honourable senators, to the extent that I have responsibility for answering that question, I will do so.

CANADA—UNITED STATES RELATIONS

SOFTWOOD LUMBER AGREEMENT— PROPOSAL TO GIVE COLLECTED DUTIES TO LUMBER INDUSTRY—UPCOMING VISIT OF PRESIDENT

Hon. Gerry St. Germain: Honourable senator, my question is for the Leader of the Government in the Senate. The latest dispute with the United States over softwood lumber has caused Canadian lumber firms to close some 50 mills and lay off thousands of Canadian workers. Since the start of the dispute the U.S. has collected around \$3.6 billion in duties from the Canadian firms.

This week — no friend of ours and a Democrat at that for you Liberals — U.S. Senator Max Baucus, from Montana, plans to introduce a bill to liquidate the duties that have been collected thus far and give the money to American lumber companies. What response does the Government of Canada have to this latest development from their Democrat friends in the U.S.?

Hon. Jack Austin (Leader of the Government): Honourable senators, first, the government has friends of equal consequence in both political parties in the United States.

Senator St. Germain: I am not so sure about that.

Senator Austin: That is the honourable senator's opinion but I have a different one.

Senator Tkachuk: Why, then, do we not make it public, then?

An Hon. Senator: Stay tuned.

Senator St. Germain: You have one.

• (1510)

Senator Austin: Second, in response to the question, Senator Baucus of Montana is pursuing what he believes to be in the interests of his constituents, not on the basis of whether he is a Democrat or a Republican, but on the basis of his intentions to continue to be the senator for Montana.

The bill that Senator Baucus has introduced does not have the support of the administration under the leadership of George W. Bush. Canadians are advised by that administration that the bill of Senator Baucus is not a bill that will be supported.

Senator St. Germain: I should like to apologize to Senator Grafstein because he does stand out as an outstanding friend of the American people and an outstanding senator as well.

In a series of rulings over the past two years, the tribunals of the World Trade Organization and NAFTA have consistently upheld Canada's argument vis-à-vis American claims about unfair subsidization. Nonetheless, the United States has repeatedly sought appeals to these rulings.

In view of the fact that the President of the United States may be making a state visit to Canada, can we expect a high-level announcement in regard to the resolution of this issue, or is it this government's strategy to sit back and let the WTO and NAFTA process run the full course with no other evident action being taken at this time?

Senator Austin: Honourable senators, as Senator St. Germain knows well, because he is in communication with ministers in the Premier Campbell Government of British Columbia, and with leaders in the forest industry, this government has been as vigorous as any government could be in pursuing a two-track policy in dealing with the softwood lumber issue.

The first track deals with the processes of the WTO and of the NAFTA. As Senator St. Germain knows, we have been extremely successful to the point where panels of each of those organizations have found no injury.

The second track is pursuing negotiations with the so-called "coalition for fairness" in the United States. To date, those negotiations have not been successful. Those negotiations are led by the Canadian industry.

President Bush, if, when and as he visits Ottawa — and I hope that visit will be soon — will undoubtedly hear again the Government of Canada position on matters relating to softwood

lumber, to BSE, to a newly opposed tariff on pork and other trade issues. That is normal bilateral dialogue. We have our issues and they have their issues. The discussions are full and frank, to use the language of every government for many decades past.

COMMENTS BY MEMBER FOR MISSISSAUGA—
ERINDALE—REQUEST TO REMOVE
FROM LIBERAL CAUCUS

Hon. Gerry St. Germain: Honourable senators, given these government-to-government relations and the statements that we are aggressively pursuing the WTO and NAFTA process and are negotiating with the so-called "fair coalition" in the United States, is it possible that the will of the American government has been destroyed by virtue of the derogatory statements made by the Member of Parliament for Mississauga—Erindale and certain cabinet ministers who took positions supporting John Kerry before the recent U.S. election? In all fairness and logic, how do we expect that we will get the cooperation of the American people and the American administration if we continue to knock them? Business leaders in this country have asked that the member for Mississauga—Erindale be removed from caucus because of her statements. Why has that action not been taken?

Senator Mercer: Because he is not the president of us.

Senator St. Germain: I am glad that I have struck a nerve.

Why has she not been removed from caucus and why have the others not been removed from cabinet?

Hon. Jack Austin (Leader of the Government): Senator St. Germain was a distinguished member of the other place and retains his propensity for asking questions in the context of the other place, but I always enjoy them.

Senator St. Germain will understand absolutely that there is no impairment of the relationship between Canada and the United States based on the statements to which he has referred. I have said before in Question Period that Canada's relationship with the United States is at a highly satisfactory level overall and that the interests of the two countries are pursued by professional exchanges and are in no way impaired, nor would one imagine that President Bush would wish to visit Canada if there were any impairment of that relationship.

Senator St. Germain: Do you really believe that, sir?

Senator Austin: Of course I do. I hope that Senator St. Germain does as well.

We have very important interests to discuss and to manage with the United States. By his suggestions, I am sure that Senator St. Germain does not want to impair the capacity of Canada to conduct those negotiations.

Senator St. Germain: Not at all. All I want you to do is take action against the perpetrators.

Senator Austin: With respect to the member of Parliament referred to by Senator St. Germain, as I have said before, we have a tradition in our caucus — because we are Liberals — of a much broader band of tolerance of differences of opinion than on his side.

THE SENATE

CONSULTATION ON ELECTION OF ETHICS OFFICER

Hon. Marcel Prud'homme: Honourable senators, my question is for the Leader of the Government in the Senate. We read in the newspaper that the Senate Code of Ethics is expected to come into force by January 1, 2005. Is the minister still of the same view that every senator will be consulted in regard to the nomination of the Senate Ethics Officer? I can state publicly that I am unaware of any consultation thus far. The honourable senator made the proposal and I voted in favour of the motion that there be ample opportunity and consultation with not only the official opposition but with all senators.

I do not wish to speak for the eight senators who are unattached to any political party. I simply want the assurance of the minister — and in looking at him he seems to be saying yes — that I will have the opportunity to say a word or two so that I can prepare myself to make suggestions in the days to come as to who the new Ethics Officer should be.

Hon. Jack Austin (Leader of the Government): I wish to thank the honourable senator for that question.

Two processes are ongoing. The first is the consultation with respect to the code of conduct. It is my understanding that an arrangement is proposed for a briefing for all senators early next week. Every senator is invited, regardless of party affiliation or non-party affiliation. We will all be hearing the same story at the same point in time. That part of the consultation is underway.

Second, no commitment has been made with respect to the appointment of the Senate Ethics Officer. I am working on the subject, but no decision has been made and I therefore, have no decision to communicate at this time.

Hon. Jean Lapointe: Honourable senators, when and where will this meeting take place?

• (1520)

Senator Austin: Honourable senators, I can only express my own view that it would be of value to this chamber to have the code of conduct and the appointment of the Senate Ethics Officer in place so that, starting January 1, 2005, we could have this new regime. However, it is very much in the hands of the Senate itself.

We have proceeded with care. The Rules Committee has done an enormous amount of work on a non-partisan basis. As soon as we are much clearer about general approval of the code of conduct by senators, we can move to the next stage.

Senator Smith, the Chair of the Rules Committee, is quoted in *The Hill Times* as saying that he hopes the entire regime will be in place by January 1, and I hope along with him.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table six delayed answers to questions raised in the Senate, starting with a question

raised in the Senate on November 4, 2004, by Senator Keon regarding the avian influenza outbreak in the poultry industry. The second is in response to a question raised in the Senate on November 3, 2004, by Senator Forrestall concerning the criteria an entity must meet to be listed as a terrorist group.

[English]

Next are responses to a question raised in the Senate on October 21, 2004 by Senator Andreychuk concerning child pornography legislation, definition applied to "art works"; a question raised by Senator LeBreton on October 21, 2004 concerning the Guaranteed Income Supplement, effect of the increase in Ontario; a question raised by Senator Meighen on November 4, 2004 regarding the military housing rent increase; and a question raised in the Senate on October 7, 2004 by Senator Stratton regarding Crown corporations and Canada Post.

AGRICULTURE AND AGRI-FOOD

BRITISH COLUMBIA—AVIAN INFLUENZA OUTBREAK IN POULTRY INDUSTRY

(Response to question raised by Hon. Wilbert J. Keon on November 4, 2004)

The outbreak of avian influenza in the Fraser Valley this year was devastating for the B.C. poultry industry. Producers are gradually getting back to full production. Compensation provided by the federal government under the Health of Animals Act has contributed significantly to the recovery process. Payments from the Canadian Agricultural Income Stabilization program will provide participating producers who suffer significant declines in margins further financial mitigation. Other measures taken by industry organizations and both levels of government have also assisted the recovery.

The economic impact of the outbreak was discussed at the Canadian Poultry Industry Forum held October 27-28, 2004. The case for more compensation has been made largely on the basis of lost income to parties affected by avian influenza other than primary producers. We will continue to discuss the issue of compensation with B.C. groups as well as the provincial government (B.C.) but it has not been the federal government's practice to compensate firms and individuals not covered by existing federal or federal/provincial programs when there is a disease outbreak of this type.

Another important issue discussed at the Canadian Poultry Industry Forum was biosecurity. Governments and industry are placing major emphasis on planning for the future — specifically, putting in place biosecurity and other measures to minimize the risk and consequences of future disease outbreaks. Recommendations and follow-up from the Forum are being compiled and should be available by year end.

JUSTICE

NATIONAL SECURITY—
LISTING OF AL-TAWHID WAL JIHAD
AS TERRORIST GROUP

(Response to question raised by Hon. J. Michael Forrestall on November 3, 2004)

On October 18, 2004, the United Nations listed JAMA'AT AL-TAWHID WA'AL-JIHAD (JTJ) as a terrorist organization, and the Canadian *United Nations Suppression of Terrorism Regulations* (UNSTR) automatically incorporate, by reference, the list established by the United Nations. The Canadian regulations are such that the listing in Canada is automatic once it takes place at the UN, without any recourse to the Governor in Council process.

As soon as the listing is made by the UN, the Office of the Superintendent of Financial Institutions advises Canadian financial institutions of the automatic change to the Canadian list, and requires them to freeze any assets belonging to the designated entity or individual.

More than 480 individuals and entities associated with terrorist activities are listed under the Canadian UNSTR.

Subsection 83.05(1) of the *Criminal Code* clearly defines the criteria Parliament has established for the listing of entities. The subsection reads:

The Governor in Council may, by regulation, establish a list on which the Governor in Council may place any entity if, on the recommendation of the Solicitor General of Canada, the Governor in Council is satisfied that there are reasonable grounds to believe that:

(a) the entity has knowingly carried out, attempted to carry out, participated in or facilitated a terrorist activity; or

(b) the entity is knowingly acting on behalf of, at the direction of or in association with an entity referred to in paragraph (a).

In addition, subsection 83.05(1.1) of the *Criminal Code* states that the Solicitor General may make a recommendation only if the Solicitor General has reasonable grounds to believe that the entity to which the recommendation relates is an entity referred to in paragraphs (1)(a) or (1)(b).

Subsection 83.01(1) of the *Criminal Code* defines what constitutes a 'terrorist activity'.

It is clear that any decision to list an entity under the *Criminal Code* involves a decision, based on reasonable grounds, by the Solicitor General and a decision, based on reasonable grounds, by the Governor in Council.

At the present time, there are currently 35 entities on the *Criminal Code* list and as the Government has said many times before, the assessment process for other possible listings continues.

As a result of the amendments to the *Criminal Code* introduced by the *Anti-terrorism Act* in 2001, regardless of whether a terrorist group is listed or not, terrorist activities are defined in the *Criminal Code* and it is a crime to knowingly participate in or contribute to the activities of a terrorist group.

CHILD PORNOGRAPHY LEGISLATION—
DEFINITION APPLIED TO ART WORKS

(Response to question raised by Hon. A. Raynell Andreychuk on October 21, 2004)

Bill C-2, *An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act* proposes to replace the existing child pornography defences of artistic merit, education, scientific or medical purpose, and public good with a two-pronged harm-based "legitimate purpose" defence that will only be available for an act that:

- has a legitimate purpose related to the administration of justice, science, medicine, education, or art; and
- does not pose an undue risk of harm to children.

While the existing "artistic merit" defence will not exist, an act that has a legitimate purpose related to art can be considered under the new defence. However, unlike the existing defence of artistic merit in subsection (6), the reforms would require a two-stage analysis to any defence: (1) does the act in question have a legitimate purpose related to art; and if so, (2) does this act pose undue risk of harm to children?

SOCIAL DEVELOPMENT

GUARANTEED INCOME SUPPLEMENT—
EFFECT OF INCREASE IN ONTARIO

(Response to question raised by Hon. Marjory LeBreton on October 21, 2004)

The Ontario Guaranteed Annual Income System, or GAINS benefit, is calculated without reference to the amount of GIS a person receives. Therefore, the GIS increase will have no impact on the amount of the GAINS payment a low-income senior receives.

It is our understanding that the Ontario Government's program that provides subsidized long-term care includes the calculation of the OAS and GIS benefits a person receives to determine the amount of the subsidy. Therefore, subject to the various sources of income a person may have in a particular year, including the GIS and any associated increase, the amount of a person's subsidized care could be affected.

The Government of Canada long ago identified the needs of low-income seniors as a key priority and has put in place policies and programs to address their needs. These programs include the Guaranteed Income Supplement (GIS) and the Allowance under Old Age Security (OAS) which assists seniors who have little flexibility or options in addressing their financial needs.

In May 2004, the Prime Minister's Task Force on Active Living and Dignity for Seniors released a report, *Creating a National Seniors Agenda* and recommended an increase in the GIS for low-income seniors to enhance their standard of living and provide them with a better quality of life. The report recommended that the GIS be increased by \$36.12 monthly for single recipients and \$29.10 monthly for couples to reduce the gap in the standard of living between GIS recipients and the working-age population. This priority was reiterated in the most recent Speech from the Throne.

In addition to examining this recommendation, the Government of Canada is looking at working with others including provinces/territories to find additional ways to address the needs of low-income seniors.

NATIONAL DEFENCE

MILITARY HOUSING—RENT INCREASE

(Response to question raised by Hon. Michael A. Meighen on November 4, 2004)

The cost of rent for Canadian Forces housing is applied in accordance with the Treasury Board policy, which is applicable to all government employees living in housing supplied by the Crown. The policy states that rental charges must be based on assessments of what similar housing would cost in the local private market. Therefore, rent is established in consideration of the repairs required.

The Minister of National Defence is currently working with the President of the Treasury Board to make sure that rents on the bases are fair in the light of the conditions of the housing in which the members live.

The maximum possible rent increases for Canadian Forces housing is limited to \$100 per month per year. At the present time, the majority of rental revenues are invested to repair, maintain and address health and safety issues within the portfolio. The intent for the future is that, as the modernization program progresses, less and less of the rental revenues will be required for repair and maintenance. This revenue can then be invested to further the modernization program.

Since 1998, the government has invested over \$400 million in repairs, maintenance and to address health and safety issues within the portfolio and it plans to invest a further \$120 million to renovate, improve and maintain military housing over the next three years.

In 2004-05, 190 units at 9 bases will be upgraded as part of the modernization program. Site by site evaluations are also being conducted. The outcome of these evaluations will determine the number of houses across the country that will be upgraded.

CROWN CORPORATIONS CANADA POST

TAX BREAKS TO EXECUTIVES THROUGH INFLATED EXPENSE CLAIMS

AVAILABILITY TO SENIOR MANAGEMENT OF HONOUR SYSTEM FOR EXPENSE CLAIMS

(Response to question raised by Hon. Terry Stratton on October 7, 2004)

Crown Corporations and Taxes

- All employers in Canada are required to issue T4s for salaries and taxable benefits including federal Crown corporations.
- The Canada Revenue Agency takes action to ensure that everyone meets their tax obligations and to ensure fair treatment for all taxpayers. All individuals, businesses and Crown corporations are subject to a fair and equitable application of the *Income Tax Act*.

Expense Claims Practices at Crown Corporations

- Crown corporations are accountable to Parliament through ministers who are deemed responsible for them, these corporations however conduct their business at arm's length from Government. Crown corporations are responsible for their day-to-day operations, including the management of payroll and expenses.

Expense Claims Practices at Canada Post

- The Deloitte & Touche Audit of Canada Post's Management Practices found that Canada Post's travel and hospitality policies "are appropriate and provide clear direction and acceptable flexibility for appropriate travel and hospitality to occur."
- The Deloitte & Touche examination did identify two exceptions:
 - Senior executive expenses were not subject to internal audit review; and
 - up until January 1, 2002, senior executives self-approved expense claims up to \$500 per claim. Deloitte & Touche noted at the time of their audit, that Canada Post no longer deemed it appropriate to allow for any self-approval of expense claims.

- The Board of Directors at Canada Post has put in place a new expense policy which requires that expense claims be accompanied by receipts or other supporting documentation before they are assessed for payment. The new policy applies to all Canada Post employees, without exception. All executive travel and hospitality expenses are now subject to internal audit review.

Tax Audit at Canada Post

- Canada Post has informed the Minister responsible for the corporation that the Canada Revenue Agency is conducting a tax audit at Canada Post.
- The Canada Revenue Agency's compliance strategy may include undertaking verification activities in Crown corporations subject to the *Income Tax Act*. The identification and selection of files for audit by the Canada Revenue Agency are based on impartial and objective criteria using risk-assessment techniques.

Expense Claims of the Former Privacy Commissioner

- Audits and other verification activities are undertaken by the Canada Revenue Agency to ensure that taxpayers comply with the provisions of the tax legislation it administers. The identification and selection of files for audit are based on impartial and objective criteria using risk-assessment techniques to identify, measure and prioritize risk. The confidentiality provisions of the laws administered by the Canada Revenue Agency preclude the disclosure of the tax affairs of individuals or corporations without their written consent.

ORDERS OF THE DAY

STATISTICS ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Lorna Milne moved second reading of Bill S-18, to amend the Statistics Act.

She said: Honourable senators, I sincerely hope that we are nearing the end of this story. On October 27, 1998, just a little more than six years ago, I rose and said:

I give notice that on Thursday next, November 5, 1998, I will call the attention of the Senate to the lack of access to the 1906 and all subsequent censuses caused by an Act of Parliament adopted in 1906 under the government of Sir Wilfrid Laurier.

After six long years of negotiating and fighting since that notice of inquiry, I rise once again on this issue. Today, though, I sincerely hope is different. This time, I am pleased to announce

that the government, genealogists, historians and archivists have worked out a solution to this most complex problem that has bedevilled us for years.

Bill S-18 is a government bill that will allow for the release of historic census records without conditions 92 years after the date of the census. It also contains provisions to authorize Statistics Canada to ask Canadians' permission to deposit their individual census records at the National Archives of Canada for future research purposes. All of the stakeholders support this bill and none are calling for amendments.

From the outset, I want to thank Minister David Emerson for his leadership on this file. From the first time I briefed him on this issue, he understood the urgent need that Canada's genealogical, historical, medical and archival communities have for this information. His common sense approach has allowed this bill to come forward quickly in this Parliament with support from all quarters. He has shown a desire to get this matter taken care of quickly. I hope that all honourable senators will agree that we can move forward on this bill without delay.

Before I get to the specifics of the bill, I want to take a few minutes to explain why so many of us have been fighting for so many years to obtain the release of historic census records. The census is Canada's only record of every Canadian in their family groups. Up until 1998, individual census returns were regularly made available through the National Archives. In fact, over 300 years of censuses covering what is now Canada are stored and can be accessed in their entirety by anyone.

In 1998, though, Statistics Canada announced they would not be releasing any further census records to the National Archives. They took the position that the regulations in legislation governing censuses taken after 1901 prevented Statistics Canada from ever releasing the information to the public. As you can imagine, this announcement took many of us by surprise.

As I said earlier, over 300 years of Canadian census information was already available in the National Archives and there was no hint that the practice of sending individual census returns to the Archives would change. As a genealogist, I was concerned at the time that we would be losing important historical documents forever, but the politician in me thought that this was a mere legislative oversight that could be quickly rectified and that we could then quickly send everyone back to their research. How wrong I was.

The intervening six years have been filled with study, research, debate and negotiations by politicians, bureaucrats, genealogists, lawyers, academics, archivists and judges, both sitting and retired. For the longest time we were all focused on the question of what was the law governing those censuses and what contemporary law affects how we treat those documents.

In a nutshell, the research community felt that perpetual confidentiality had never been promised to Canadians and Statistics Canada was concerned that its regular assurances of confidentiality for decades had to mean something or the integrity of the census would be forever damaged.

There were two key studies done on the state of Canadian law on this issue. One was conducted by the Expert Panel on Access to Historical Census Records that was appointed by former Industry Minister John Manley. The panel, chaired by former Supreme Court Justice Gerard LaForest, came to the conclusion that there were no laws that prevented the release of historical census records. In his words:

...we are persuaded that perpetual confidentiality was not likely either assumed or intended by the lawmakers. ... while we find the legal situation ambiguous, we find no convincing evidence that Parliament intended to create perpetual confidentiality. We have come to the view that the release of pre-1906 records constitutes a particularly important precedent when combined with the fact that the release of the 1891 and 1901 census records occurred in concert with the 1983 Privacy Act. We further believe that the passage of time — 92 years in this case — is an important legal and moral consideration and that the release of census records after 92 years in no way violates the original intent of those who developed the census in Canada.

• (1530)

The second legal opinion came to light as a result of the work of the Standing Senate Committee on Social Affairs, Science and Technology when it studied my private member's bill on this issue. In response to questioning from committee members, Chief Statistician Dr. Ivan Fellegi indicated that he had received legal advice on this issue and would be happy to give it to the committee to look at. One of the legal opinions was particularly important from my perspective. Ann Chaplin, a lawyer in the Department of Justice, took the time to try to balance two sections of the regulations governing many of the censuses taken in the early 1900s. One section stated that Statistics Canada employees were not allowed to disclose a person's individual census information, while the other section specifically stated that the individual census records would be kept in the National Archives of Canada. Ms. Chaplin noted:

The rational approach to the various pieces of legislation at play here seems to be one which would prohibit census workers from giving anyone access to individual returns but which would allow census information to be transferred to the Archives and, after 92 years, released in accordance with the Privacy Regulations.

There is no doubt, then, that from a legal viewpoint there is nothing to stop the government from releasing historic census records.

In January 2003 the government came to the same conclusion and released the 1906 census records to the National Archives. Shortly afterward it was put online, and since that time there have been millions of hits to the National Archives' Web site by those researching family roots or researching Canadian history. The central question remained, though: How should the records from future censuses be handled? After all, it made very little sense to go through this entire debate without also taking a serious look at how future censuses are handled.

When the government released the 1906 census, they also announced that they would introduce a bill to govern the release of census records, including those for censuses that have not yet been taken. That bill was introduced in the Senate and passed. We have already been through this exercise. Unfortunately, it was stalled at second reading in the other place in November 2003 when Prime Minister Chrétien prorogued the Second Session of the Thirty-seventh Parliament. The bill was not revived in the third session.

As I will outline in more detail later, there was not widespread support for the bill introduced last year. That bill would have reduced the access that researchers would have after 92 years for a further 20 years. Some of its contents may have threatened the historic record. The debate on whether to amend the bill caused delays in both the Senate and the other place.

In the year since the first government bill died, there have been substantial negotiations between the government and stakeholders about what a new bill should entail. I am happy to report that there has been compromise on both sides, agreement on both sides, and a new deal has been reached. I want to take the time to go over the various provisions for honourable senators.

Bill S-18 has three clauses that are easily explained. The first clause directs Statistics Canada to turn over the individual schedules for each census from 1911 to 2001 to the National Archivist on the ninety-second anniversary of each census. The National Archivist is then given explicit permission to grant access to this information, without restriction, to any researcher who wants to take a look. Indeed, I expect that shortly after this bill is passed we will be able to find the 1911 census online, alongside the 1906, the 1901 and other censuses that have already been posted online by the National Archives.

The second clause of Bill S-18 states that Statistics Canada will ask Canadians on each census, starting in 2006, whether they will give permission for their census information to be stored in the National Archives. Statistics Canada may then deposit the census information of Canadians in the National Archives only if that person has actively granted permission. If the person answers no to the relevant question on the census or if the question remains unanswered on the census, Statistics Canada will not have the authority to give the information to the National Archives and will not do so.

The third clause is for the purpose of review, which has become standard in so many bills. It states that not less than two years before the third census taken after this bill is passed, there will be a review of the section that governs future censuses. This section was inserted because of concerns raised by many researchers. They want to ensure that the census remains a viable historic record. However, it is conceded by everyone that to the extent that people refuse to allow their census returns to be sent to the National Archives, the quality of the census for research purposes is reduced. The review section allows Parliament to revisit this issue once we see clearly how Canadians will respond to the question.

As I indicated earlier, the government did introduce a bill in the last Parliament that was the subject of much debate, and many called for amendments to that bill. I think it is important to highlight both the similarities and the differences between the old government bill and Bill S-18 so that senators may understand the concessions made on both sides of this issue that bring us to the harmony that we have today.

The old government bill contained extensive provisions that would have allowed limited access to the 1911 through 2001 censuses after 92 years and unlimited access to the data after 112 years. Genealogists would have to sign various waiver forms and historians who wanted to do research after only 92 years would have to have their proposed work peer-reviewed first. This was despite the fact that until 1993 census data was routinely released after 92 years with no restrictions. When that complicated provision was introduced, genealogists and historians recoiled at the fact that an entire bureaucracy was being set up to trace their research. They could not understand why that had to be done. They also wondered what the magic of the extra 20 years was and whether there was any policy justification for these provisions.

I discussed this matter with Minister Emerson and department officials, and it became clear that the extra 20-year waiting period and the bureaucracy involved with it did not serve much purpose. In fact, the cost, time and effort of setting up such a bureaucracy would far outweigh any marginal benefit for those who were interested in privacy issues. As a result of these discussions, the government agreed to remove from the bill the extra 20-year waiting time and the resulting bureaucratic nightmare.

As was the case with the old bill, Bill S-18 includes provisions that will allow Canadians to determine whether they will allow their own census information to be deposited at the National Archives. This clause causes significant concern within the genealogical and historical communities. Many are worried that the integrity of Canada's historic record would be unnecessarily degraded if such a measure were passed. Over the last number of months, the potential effect of this section and the reason for its inclusion have been the source of significant discussions between genealogists and historians on the one hand and Statistics Canada on the other hand.

By and large, genealogists and historians understand the two key reasons for including this section in these amendments to the Statistics Act. First, this is not a complicated issue. Canadians can easily understand the choices they are being asked to make and the consequences of their actions. In the end, this is the personal information of Canadians who have the right to determine what happens to that information about their lives. It was in this spirit that the Personal Information Protection and Electronic Documents Act was passed by Parliament to protect Canadians' privacy.

Second, Statistics Canada must ensure an extremely high level of privacy in order to guarantee that there is almost complete participation in the census. Stats Canada genuinely felt that the 92-year waiting period was not a sufficient level of privacy to ensure continued full participation in the census. The census

provides the backbone for Canada's transfer and equalization payments to the provinces and the modeling to predict the consequences and costs of taxation policies and future Canadian demographics, which allows for proper planning of education and health care services across the country. Complete participation by Canadians in the census is key to ensuring that all these basic government functions are carried out to the highest standards.

• (1540)

There is no doubt that to protect the integrity of the census Statistics Canada felt that it needed to ask Canadians directly about the future treatment of their census information. Over time, genealogists and historians have come to understand why Statistics Canada has insisted on this kind of privacy protection for future censuses.

Statistics Canada has made two important concessions on this issue that have given the research community enough reason to support this bill. First, Statistics Canada has agreed to help ensure that as many Canadians as possible say yes to the release of their census information. Both Chief Statistician Ivan Fellegi and Minister Emerson have agreed that in order to ensure as many Canadians as possible agree to deposit their census schedules in the National Archives they will launch a large public advertising campaign to encourage Canadians to say yes. They have said they feel it is important to the country that everyone say yes. I take them at their word and am looking forward to Canada's campaign to have everyone say yes to the historic census.

Second, the government has inserted the third clause to this bill at the request of the research community. This clause mandates a parliamentary review of the effect of the requirement that permission must be granted before an individual's census return is given to the National Archives. The truth is that no one knows how Canadians will respond to this question. We do not know if 20 per cent or 89 per cent will say yes. We have no idea. The other thing that we do not know yet is what kind of a problem that would create for future researchers.

About a month ago, I asked Dr. Chad Gaffield, a professor at the University of Ottawa's Institute of Canadian Studies and a member of the expert panel that was appointed by John Manley, what level of opting out would create a problem for the historic record. He said he did not know. He said it would depend entirely on whether it was a random group or a certain age group, race, gender, religion or community that opted out. If 99 per cent of Canadians opted into the National Archives but all of Prince Edward Island said no, for example, that would cause great damage to the historic record.

By allowing for a review of this section after two censuses have been taken, the government is agreeing to take another look at the matter when there are real-life statistics that can be used to deal with the issues. Any attempt to solve this matter before that may be fruitless because the debate would be taking place in a vacuum. As I noted before, no one knows how Canadians will react to this issue, and it is best if we see how things pan out first before we make a final decision.

Honourable senators, it has been a long and hard battle, but it is one that I think will have great benefit to Canadians. I can say with confidence that for generations to come Canada will have the benefit of historic census records to help guide researchers. I can also say that Statistics Canada has stood on guard for the integrity of the census, and that integrity is not compromised by this bill. A balance between privacy and information has been achieved here, and all parties in this debate should be lauded for their hard work and dedication to their cause.

In closing, I urge all senators to vote for this bill and to ensure its speedy passage through this place. The Canadian medical community, historians, archivists and genealogists are counting on it.

Hon. Lowell Murray: Honourable senators, I do not intend to intervene at this stage but will do so perhaps at third reading, assuming the bill is referred to committee.

For the record, I would ask the sponsor of the bill to confirm that the only opting-out provision relates to personal information that would identify someone as an individual. To use the example that Senator Milne raised, if every individual in Prince Edward Island opted-out, then those individuals could not be identified by name. However, all the demographic information will still be on file. The collective data on population, whether a person is male or female, their ancestry, ethnic origin, religion, and perhaps their profession and income will be there. The only thing that will be closed to researchers is information relating to particular individuals, identified individuals, if those individuals choose not to have it made accessible.

Senator Milne: The honourable senator is quite correct. The accumulated data would be available for all of Canada, so there is no threat at all to the integrity of the census as it stands for the entire country.

There would be a threat to trying to identify individual Canadians, 92 years from now, and track them through their family groups. There would be a threat to tracking demographic movements of Canadian families, of groups of people and their medical histories. I am quite sure that medical genealogies will become even more of a tool in the future than they presently are, as we heard today on the debate on juvenile diabetes.

Senator Murray: The information will be open to everyone. Ninety-two years from now, I or my descendants will be able to search Senator Milne's ancestry, will they not?

Senator Milne: Absolutely, because I intend to say yes. Now, if my honourable friend intends to say no, his descendants will not be able to research him.

Senator Murray: I am thinking about it.

Hon. Gerald J. Comeau: I move the adjournment of the debate.

Hon. Madeleine Plamondon: Does the honourable senator have the approval of the Privacy Commissioner?

Senator Milne: I have not spoken directly to the Privacy Commissioner, but I have been led to believe that she approves of this bill. I know that she has seen it and has read it. I have not heard from her directly but through intermediaries. Dr. Ivan Fellegi, the head of Statistics Canada, also approves of this bill.

Senator Comeau: Senator Milne just said that she had the approval of the Privacy Commissioner through someone who spoke on behalf of the Privacy Commissioner. This is the type of information that should come out at committee because I think we are into third- or fourth-hand references. I am quite sure the Privacy Commissioner, based on how Senator Milne just responded, would want to clarify the positions of her predecessors who expressed extreme misgivings about some of the provisions of what were then even more stringent bills.

I assume that Senator Milne wishes to bring the Privacy Commissioner before the committee, as well as the Chief Statistician, who seems to have also swallowed himself whole.

Senator Milne: I would never ask Senator Comeau to accept my word on anything, and I look forward to hearing them at committee.

Hon. Serge Joyal: Honourable senators, I should like to make a brief speech on Bill S-18 today so as not to delay further study. I know Senator Comeau had just moved the adjournment, but if he would allow me to speak for this side, I would be ready to proceed now.

Senator Comeau: It has been the normal practice that this side has the prerogative to adjourn the debate. Obviously, I leave it up to the house.

The Hon. the Speaker *pro tempore*: Senator Comeau will have 45 minutes when he rises to speak on the bill. Is it agreed, honourable senators?

Hon. Senators: Agreed.

• (1550)

Senator Joyal: Thank you, Senator Comeau. I understand you reserve the full right of the opposition to speak on this bill. It is just that my remarks might help the honourable senators, and especially Senator Milne, in their study of this bill.

First, I would like to commend Senator Milne for her persistence and dedication to this issue. She will recollect how many times this bill has been the object of discussion. However, since its first inception, there is a new situation in Canada which I think we should take into account when we study this bill. I think that Senator Comeau and Senator Plamondon have put their fingers on it. It is in relation to the Privacy Commissioner and, of course, the adoption by the United States, our friendly neighbour, of the Patriot Act.

As you know, Statistics Canada entered into a contract with Lockheed Martin Canada, which is a subsidiary of the Lockheed Martin American firm that we all know. According to the Patriot Act, any information that an American company can retain, either on American soil or abroad, is susceptible to being the object of a court order according to section 215 of the Patriot Act, and that

company has no other choice than to provide the information. Moreover, when there is such a hearing of a request in the United States, it is secret, so that such a matter could really go before a court without any publicity or publication.

We all know the information that is contained in the census form — your religion, your race, your place of birth, your marital status, just to name a few. Let me depict a case. Let us say that you are Muslim, a practising Islamic. You were born in the Middle East or northern Africa. Third, of course, you are of Arabic decent, and fourth, your marital status is common law or gay marriage. It is legal in Canada for 85 per cent of that particular population to marry now, according to decisions in the Canadian court. We all know that. My friend Senator Comeau is from Nova Scotia, which is the last court to have ruled upon this matter.

In other words, if that information is accessible to Lockheed Martin, at a point in time, Lockheed Martin could be under subpoena in an American court and have no other choice than to provide information on all Canadians who are Islamic, Arabic, born wherever in the world, and, of course, on their marital status.

Therefore, honourable senators, my concern is not a theoretical one. The newspaper report of October 30 was a reprint of the report by the B.C. Privacy Commissioner, Mr. David Loukidelis, and I quote:

There is no way to prevent the long arm of U.S. anti-terrorism legislation from extending into Canada and plucking out otherwise confidential information about individual Canadians, B.C. Privacy Commissioner has concluded.

It is a reprint from *The Globe and Mail* and *Le Devoir* of the same day.

The Privacy Commissioner of British Columbia is advising the Canadian government to take some steps to protect the privacy of Canadians and, of course, the information that will be given to Statistics Canada and, according to this bill, that Statistics Canada in due time will make available to all Canadians.

My preoccupation, too, comes from the report of the Privacy Commissioner that was tabled today. Earlier on in our proceedings, the Speaker tabled the annual report of the Privacy Commissioner, and I would like to read to you from page 49 of that report two paragraphs on what the Privacy Commissioner says about cross-border flow of personal information. That is the title, "Cross-border Flow of Personal Information," and I quote:

On the subject of disclosure, a number of programs and activities established by federal government institutions and agencies provide for the disclosure of personal information about Canadian citizens and residents to departments and agencies of the United States government. During this fiscal year, the office completed an examination of agreements, arrangements and memoranda of understanding between

Canada and the United States that include provisions for the sharing of personal information. Our review found that many of the sharing agreements were deficient in terms of containing adequate privacy protection provisions.

The last paragraph states:

The cross-border flow of personal information raises serious privacy risks relating to the jurisdictional differences affecting the protection of personal information, the security of personal information in transit and the adequacy of legal instruments governing the management of the information shared. Issues related to the transborder flow of personal information will be a key area of review for the office —

— that is, the Office of the Privacy Commissioner —

— during the next fiscal year. To this end, we are conducting an audit of the transborder information-sharing activities of the newly constituted Canadian Border Service Agency, CBSA.

Senator Milne, again I have the greatest respect for the work and dedication that you have expended on this matter. However, I want to conclude, honourable senators, by saying that I think it would be advisable to hear from the Canadian Privacy Commissioner at committee stage on this bill. In the article of October 30 from which I quoted earlier, "They are expecting an answer from the Canadian government." Let me find where I read that. It says that we will get the answers on what is the position of Canada in respect of this argument.

I do not want to delay the proceedings, but in this article that was published on page A13 of *The Globe and Mail* — I could give it to you — it says quite clearly that the Canadian government will come forward with a formal comment to the B.C. Privacy Commissioner, David Loukidelis, because the commissioner studied that issue extensively. It is the most comprehensive report that is available in private hands right now. I know many senators on both sides of this chamber are very concerned about the flow of information, because many Canadian companies now subcontract with American companies.

I mention now the CIBC because it is mentioned in the article; I do not want to promote any bank, but many private companies subcontract, for instance, salary slips, management of pay and so forth. All that information is immediately available if American authorities want to plug into it, and we are not even informed that they have requested to plug into it.

This is a very serious issue. Again, I do not want to delay this bill. However, I think it could be a helpful exercise because when we review the Canadian anti-terrorist legislation sometime down the road, this will be an important part of that review, as well as exploring how we could prevent American companies from following the Patriot Act in this fashion. The B.C. Privacy Commissioner was suggesting that there should be very severe penalties for such breaches of privacy, such as one year in prison and \$1-million penalties and so forth. In other words, there is a way to address the problem, and that should be done, in my opinion.

If we are to move forward and make more information available, it should be done in such a way that when a Canadian citizen files his census form, as I do myself, and when you cross borders and you are asked for personal information, you will know that at some point in time, by just plugging in your passport number, they will know everything: what is your religion, where you came from, where you were born. This is already on your passport in any event, but they will also know your marital status, and so on. If they decide to be tight at the borders, then that is it. I think we should know now what the name of the game is, and how we want to deal with it.

I know that this is not your objective as the promoter of this bill. However, you want this bill, too, and I sincerely would like you to have it, certainly, and all the researchers and university people; but there is an element of reality that must be taken into consideration here. We have to be very conscious and to address the situation in the proper shape and form if we want to do our job properly here, which is to be concerned about minority rights and the protection of the privacy of Canadians.

Senator Milne: Would Senator Joyal accept a question? I do not believe, if I can make a bit of a preamble, that Statistics Canada has ever leaked anything whatsoever out of any of our census forms. They have been most meticulous in guarding them; they have been extremely, perhaps overly, meticulous in guarding them. If I should happen to be a Muslim, I cannot see what possible benefit that would be to anyone at the border in the United States when that information is released 92 years from now.

• (1600)

I believe you mentioned that Lockheed Martin was hired to help with the 2004 test census that Statistics Canada did. Still, the information that came in was proprietary information and was not Lockheed Martin's information. I have the understanding that Statistics Canada will not hire them again to do that sort of thing.

Senator Joyal: I thank the honourable senator for raising this point. I quote from the article in *Le Devoir*, which states:

[Translation]

Mr. Loukidelis pointed out that even Statistics Canada had entered into a contract with Lockheed Martin Canada — a Canadian subsidiary of an American company — for the development of software to process census forms. The information would be managed by Statistics Canada, however.

[English]

It is right that it is being managed by Statistics Canada. I do not dispute that at all, but as I said, if Lockheed Martin, or the mother company in the United States, is subpoenaed in court and receives an order from a federal court to release the information, they are confronted with two decisions: either comply with the American court order or breach Canadian law. We have to be aware that when a contract is signed with an American company, there are severe penalties for breach of the contract or the commitment not to disclose information. That is what B.C. commissioner Mr. Loukidelis is recommending, to ensure

that we tip the balance in favour of the privacy of Canadian citizens rather than the good standing of the American company.

This is an issue that must be addressed, and I totally agree with the honourable senator. It is important that this be on the record because when the Privacy Commissioner Stoddart appears before us, we will have given her a signal today that she will have to prepare herself accordingly so that honourable senators can question her and follow up on this matter.

On motion of Senator Comeau, debate adjourned.

THE ESTIMATES, 2004-05

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (A)

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of November 4, 2004, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2005.

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

BUDGET AND REQUEST TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on National Security and Defence (budget—study on the national security policy for Canada—power to hire staff and to travel) presented in the Senate on November 4, 2004.—(*Honourable Senator Kenny*).

Hon. Colin Kenny moved the adoption of the report.

Motion agreed to and report adopted.

THE HONOURABLE LAURIER L. LAPIERRE, O.C.

INQUIRY

Hon. Tommy Banks: Honourable senators, Senator LaPierre has already thanked us with kind words today, so he cannot get back at us anymore because he has spoken already.

Laurier, during the course of having thanked us, you reminded everyone here that you are always right. There is not much that I can add to that statement. However, I want to commend you, among other things, for your huge-hearted words today about your relationship with the people in this place. I know that they were much appreciated by all.

Hon. Senators: Hear, hear!

Senator Banks: I have had the advantage of knowing you, Laurier, longer than anyone here, if I am not mistaken. You and I have been acquainted since the very early 1970s. Unlike Senator Lapointe, I had the honour of having you as a guest on my show.

[Senator Joyal]

Senator LaPierre: Oh, yes.

Senator Banks: That was a great advantage. In all those years, Laurier, I have seen in you a wonderful and rare thing, which is utter honesty. You are utterly honest. You cannot help yourself. Even when you are wrong, you are out utterly honest. There is in you no obfuscation, no equivocation and no evasion.

Senator Mercer: And he gets to the point, too.

Senator Banks: That is right. Laurier, you are utterly without guile. I do not know many people like that, and it has been an honour to know you. It is a continuing honour to know you.

Yours has been a life of achievement. It has brought lustre to this place that you have spent these last few years here with us making more achievements, and I am sure you will continue to make them.

Harking back to an earlier remark in your first response, of what I am sure will be many more, you can come to my house for dinner any time, Laurier. I know that we all hope for the privilege of having many more dinners with you and Harvey in the coming years. They have all been a pleasure, and I thank you very much for those things and many more.

Hon. Senators: Hear, hear!

Hon. Marilyn Trenholme Counsell: Honourable senators, this might be called a belated greeting, like one of those cards one buys, but is never too late to say a few words.

[Translation]

It is a great privilege and a joy for me to share these very personal thoughts about my friend, Senator LaPierre.

[English]

I believe that I am speaking on behalf of hundreds of thousands of young Canadians, boys and girls, who have participated in Heritage Fairs from coast to coast to coast.

• (1610)

I met Senator LaPierre at a Historica meeting — a moment that I remember very vividly. I remember the moment that I first came into his presence. Senator LaPierre radiated an excitement about Canada's history that he has passed on to our young citizens. His passion, his profound sense of history and his dedication to youth all mark Senator LaPierre as a national treasure, loved and revered by people in many walks of life, young and not so young alike.

[Translation]

Senator LaPierre, I thank you from the bottom of my heart for being an inspiration not only to me, but also to thousands of young people across this great country. Thank you for your friendship, your joy and your hope. Always stay young at heart and continue to touch the lives of our young women and men, so that they can achieve their full potential as Canadians. May God bless you.

[English]

Hon. Jeremiah S. Grafstein: Honourable senators, Laurier LaPierre and I shared one great friend whom he has not mentioned but who was mentioned in the autobiography of his friend Patrick Watson, and that was Roy Fabish. Quite frankly, Senator Banks, I came into contact with Laurier much earlier than you did. This was back during the time of *This Hour Has Seven Days*. One of my closest friends and my mentor for most of my adult life was Roy Fabish. He was instrumental in establishing Laurier as a national star. When I think of Fabish, I cannot help but think how important a role he played in my life and how important a role he played in Laurier's life. He, I think, inspired many people, including Laurier, to do and achieve things that they felt were even beyond their reach.

Laurier, you are leaving, but you will not be forgotten. I will remember with fondness not only *This Hour Has Seven Days* but our great mutual friend, the late Roy Fabish.

[Translation]

Hon. Viola Léger: Honourable senators, I would like to add my voice to those who praised Senator LaPierre. Thank you Senator LaPierre for your cry "Long live Canada," whenever the occasion rose. You were never afraid to say it loud and clear. As Senator Trenholme Counsell said, wherever we followed in your footsteps, people in Canada would always tell us that Senator LaPierre had been there; they were all very proud of that. As a going away present, I would like to offer you two texts. The first one is an introduction by Oliver Wendell Holmes.

[English]

I think that, as life is action and passion, it is required of a man that he should share the passion and action of his time at peril of being judged not to have lived.

[Translation]

Now, *Roseau pensant* by Serge Patrice Thibodeau:

Reed in thought: the fragility of man.
 Reed made flute: the fragility of song.
 Reed as pen: the fragility of the written word.
 In the unexpected storm, at the mercy of murderous winds,
 And beaten by rain, the reed bends but does not give way.
 Just as every new love dances in delight at its far from certain future...

[English]

I would like to conclude with the words of wisdom of Howard Dick, chorale conductor from Kitchener, Ontario, taken from the *Power of Passion* by photographer Tony Hawser.

Passion. The exhilaration of life. Creative genius.
 Compelling ideas. Eternal issues refined. Noble expression. Distilled thought. Passion. A burning conviction that we need to hear back. The artist's thrill of danger, of being so close to the white heat of greatness. Passion. Living on the edge in control but just barely, waiting breathlessly to see what's next.

Senator LaPierre, enjoy your retirement.

Senator Mercer: And now the Bible!

Hon. David P. Smith: Honourable senators, Senator Banks inspired me to get to my feet when he referred to how long he had known Senator LaPierre. My mind flashed back to one time at the old CBC building on Jarvis Street, which 100 years ago was Havergal College, when I was there with Walter Gordon. I was then his executive assistant, so you know how long ago that was. This was in the mid-1960s. You can just picture it: He is in there with Patrick Watson. It is intense. I do not know if you remember the time that Walter came there. I was with him. It was high drama, it was cutting-edge television, it was nouveau in every sense of the word and it was really exciting.

I was also amused by Senator Banks' reference to the thought that you might not be right all the time, but I thought of another way of putting it, and that is, Senator LaPierre, that you might not always be right but you are never in doubt, and I kind of like that.

You are a special person. There is nothing hidden. You are up-front. You give new meaning to the word "passion" and you will be missed, and never forgotten. We are your friends.

Hon. Senators: Hear, hear!

The Hon. the Speaker: If no other senator wishes to speak — and I am looking at Senator LaPierre when I say that — does the honourable senator wish to comment?

Senator Banks: Take the adjournment!

Hon. Laurier L. LaPierre: Of course, I will take the adjournment...for a year from now!

I want, again, to thank you all. I think this has been a very good day, and I shall be back. Merci.

Hon. Senators: Hear, hear!

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR

Hon. Jeremiah S. Grafstein, pursuant to notice of November 4, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on consumer issues arising in the financial services sector. In particular, the Committee shall be authorized to examine:

- the impact of federal legislation and initiatives designed to protect consumers within the financial services sector;
- the role, corporate governance structure and effectiveness of agencies (including supervisory/regulatory and self-regulating), ombudspersons and

others who play a role with respect to consumer protection and the supervision of the financial services sector;

- consumer credit rates and reporting agencies; and
- other related issues; and

That the Committee submit its final report no later than June 30, 2005, and that the Committee retain until August 31, 2005 all powers necessary to publicize its findings.

He said: Honourable senators, I should like to explain the motion if I could. Today I rise to seek your support for the Standing Senate Committee on Banking, Trade and Commerce study on the consumer and financial services sector. As you know, committees spend time reviewing, passing and occasionally amending legislation. Once a bill has left a committee it is too often gone and forgotten. The committee moves on to its next piece of business. Too often, committees overlook the potent power and responsibility of oversight. Committees should, from time to time, look back on legislation and determine whether the practice matches the legislative objective. Often legislation incorporates such reviews. While committees do carry out such a review function, they should not be limited. Committees should exercise their oversight at a time of their own choosing. Now is such a time.

Senators believe that parliamentary oversight is integral to the public confidence in the financial system in safeguarding the interests of all consumers. Banking is more than just buying and selling money; it is about consumer confidence in the financial system.

• (1620)

Back in 1934, in the midst of the Great Depression, the Report of the Royal Commission on Price Spreads, drafted by a little known civil servant who served as secretary to that commission, Lester Bowles Pearson, first raised the issue of consumer protection as one responsible aspect of government policy. The Royal Commission on Price Spreads stated in that report:

...in this new world of industry and trade *caveat emptor* takes a new and pertinent meaning.... The buyer may still beware, but he no longer knows of what he must beware.... It is, therefore, the function of government to pay special attention to the interests of the consumer.

We have come a long way in the past 70 years.

Honourable senators, may I lift another quote from recent parliamentary history:

Today we look at an economy that is undergoing a series of major changes in all aspects of development. Market practices are being altered; industrial organization is being transformed significantly; there are major changes in technology and communications; and the power of advertising creates new stimulus and demand. All these major changes create new opportunities and new problems

for the consumer. The consumer himself has become more sophisticated and better educated, and is expecting, indeed demanding, more services and information not only from his suppliers but from government as well.

These were the words from the Right Honourable John Turner in 1967, almost four decades ago, as Canada's first Minister of Consumer and Corporate Affairs. Those words are timely today.

No one can doubt that Canada's financial services sector serves a crucial element in the economy. Without this sector, we do not have an economy; we have a myriad of institutions: banks, trust and loan companies, credit unions, caisses populaires, life and health insurance companies, property and casualty insurance companies, securities dealers and exchanges, mutual fund companies and distributors, finance and leasing companies. As well, independent financial advisers, pension fund managers and independent insurance agents and brokers all play vital roles in making our economy competitive and efficient.

The financial services sector is a most significant contributor to Canada's economic growth, employing over half a million Canadians in the year 2000 with a yearly payroll of \$24 billion. The sector represented over 5 per cent of Canada's gross domestic product in 2000, contributing approximately \$9 billion in taxes to all levels of government.

Banks represent the largest portion of the financial services sector, reporting \$1,080 billion in domestic assets in the year 2000, over half of the sector's total assets in Canada. Mutual fund companies and life and health insurers were next in terms of asset size, reporting \$419 billion and \$267 billion in domestic assets respectively in 2000, followed by the credit union sector at \$122 billion, and property and casualty insurers with domestic assets of \$58 billion.

Banking, insurance, investments — Canadian consumers, both individuals and businesses, are dependent on products and services provided by the financial services sector. These products and services are becoming increasingly complex. It is difficult for the average Canadian to keep up with the speed of change. They become dependent on the information advice they receive from their financial services provider, from bank tellers, financial advisers, insurance agents and increasingly from the media.

While *caveat emptor* is an organizing principle, in practice consumers must educate themselves as best they can. While consumers have new tools, there are more complicated choices. Meanwhile, it is incumbent on government to ensure that the mechanisms are working well to ensure the rights and interests of consumers are protected, to ensure a level playing field of pertinent information.

Federal and provincial governments share jurisdiction over the financial services sector. The federal government has sole jurisdiction for banks, while credit unions, caisses populaires, securities dealers and mutual funds are largely regulated by provincial governments. Both levels of government regulate insurance and trust and loan companies. We recognize the respective jurisdictions of the federal and provincial governments.

The legislation governing Canada's federally regulated institutions was last reviewed in 2001 and amendments to the relevant statutes became law in October of that year. At that time a new consumer protection framework was introduced. A key element was the establishment in October of the Financial Consumer Agency of Canada. Its mandate is to enforce the consumer provisions of the federal financial institution statutes, to monitor the industry's self-regulatory initiatives designed to protect the interests of consumers and small businesses, to promote consumer awareness and to respond to general consumer inquiries.

Many bodies, some governmental, some industry-run, have responsibility for regulation, oversight or consumer protection. While there are too many to list, they include the Office of the Superintendent of Financial Institutions, the Canadian Deposit Insurance Corporation, the Ombudsman for Banking Services and Investments, the Canadian Life and Health Insurance OmbudService and the General Insurance OmbudService.

Four years have passed, honourable senators, since the government introduced this new consumer protection provisions to augment the existing framework made up of the organizations I just mentioned, among others.

The Banking Committee is proposing an oversight of the existing framework. We want to see what is working, what is not and what we can do to make things better in the interests of all Canadians.

A vast thicket of organizations regulate, oversee and monitor the financial services sector. To date, there has been no overarching review of the role, corporate governance structures and effectiveness of the agencies — whether supervisory, regulatory or self-regulating — ombudspersons and others who play a role with respect to consumer protection and the supervision of the financial services sector. The time has come for such a review in the interests of a fair and efficient economy.

The committee's terms of reference include a look at entities such as credit reporting agencies that are related to the financial service. These, too, have an impact on consumers and the economy. While our financial sector operates efficiently, it must be seen to operate fairly and equitably.

I have consulted with all of the Liberal and Conservative members of the committee as well as our learned and independent member Senator Plamondon, who inspired the development of this study, for which I congratulate her. All committee members unanimously agree that this is a task that must be done and done now.

I thank honourable senators for their attention and ask them to support this motion.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Wednesday, November 17, at 1:30 p.m.

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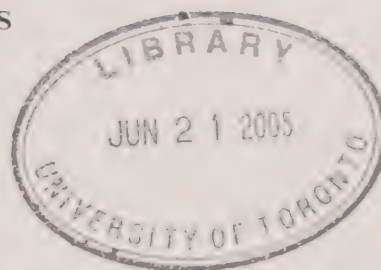
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NUMBER 15

OFFICIAL REPORT
(HANSARD)

Wednesday, November 17, 2004

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, November 17, 2004

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

DISTINGUISHED VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding, I wish to draw your attention to the presence in the gallery of our former colleague, the Honourable Richard Kroft, his wife Hillaine, and members of his family.

Welcome to the Senate.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE RICHARD H. KROFT, C.M.

The Hon. the Speaker: Honourable senators, I received notice earlier today from the Leader of the Government, who requests, pursuant to rule 22(10), that the time provided for consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Richard Kroft, who resigned from the Senate on September 24, 2004. I remind honourable senators of the time limits.

Hon. Jack Austin (Leader of the Government): Honourable senators, it gives me very great pleasure to speak today in tribute to the service of Senator Richard Kroft, who holds the Order of Canada.

Senator Kroft's political career has been a succession of solid contributions made, for the most part, out of sight of the public. It is a career dedicated to discovering the truth in order to reveal the best possible options, and is always guided by personal integrity and an impressive work ethic.

The statement I have just made I reserve for those public servants I find truly dedicated to improving the lives of their fellow Canadians. In my assessment, that is a compliment of the highest order.

We have had the opportunity to work with Senator Kroft, and we immediately noticed his incisive intellect, which he brought to bear on many policies that affect the Canadian public. These professional abilities have earned him public praise from members of the House of Commons, including from among opposition ranks there.

Early in his political career, Senator Kroft was Executive Assistant to the Honourable Mitchell Sharp, and they remained close friends throughout Mitchell Sharp's lifetime. Appointed to the Senate in 1998 by Prime Minister Jean Chrétien, Senator Kroft served here as Chair of the Standing Committee on Internal Economy, Budgets and Administration, and later as Chair of the

Standing Senate Committee on Banking, Trade and Commerce. Under Senator Kroft's guidance, the Banking Committee produced an influential report on bankruptcy and insolvency that is now the basis for policy on this matter by the Department of Finance.

The internal administration of the Senate has greatly benefited from Senator Kroft's business-like approach. As a lawyer and a businessman, he founded Controlled Environments Ltd., an international company of a unique nature. Senator Kroft also served as President of Tryton Investment Company, and as Director of the Federal Business Development Bank and the Canadian National Railway Company, in addition to a number of other positions.

Senator Kroft is a community leader and has promoted worthy causes in his home province. He served on the Winnipeg 2000 Leaders Committee, the University of Manitoba, and as Honorary Council Member of the Royal Winnipeg Ballet. These community institutions have been fortunate to profit from his wise counsel and rare judgment, and these same qualities will be much missed by his colleagues here in the Senate.

Senator Kroft's early and voluntary retirement is regrettable from the point of view of honourable senators who remain. All of us share a great admiration of his professional and personal abilities. No doubt, however, his retirement will be a great benefit to his family, to whom I would like to offer sincerest best wishes — his grandchildren, his children Elizabeth, Steven and Gordon, and most of all, his wife Hillaine. I would like to say to her that you will have him kicking around the house. Maybe you will not want him there as much as you will find he is; you could send him back.

Hon. David Tkachuk: Honourable senators, I am pleased to say a few words about the retirement of the Honourable Richard Kroft, not that I am pleased to use the word "retired."

While Richard and I may have differed in some of our political views, when we worked together on the Senate Banking Committee, we always worked to represent the views of Western Canadians — something not easy to accomplish on the Banking Committee with Bay Street financiers and CEOs from all the big banks of Eastern Canada clamouring to appear.

• (1340)

This may surprise some honourable senators, but I was not shocked to hear of Richard's early retirement since he often warned that he would not stay at the Senate for a long time.

I hope, Richard, that it was a good time. I know I did my best to ensure your days as the Chair of the Standing Senate Committee on Banking, Trade and Commerce were always interesting. As Chair of the Banking Committee, Senator Kroft upheld the fine tradition of past banking chairs by leading the committee through a number of studies. One of the most

significant reports during his tenure was entitled *Debtors and Creditors Sharing the Burden: A Review of the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act*, which came about because the Bankruptcy and Insolvency Act was due for review and the House of Commons decided not to review it. I can attest to the complexity but importance of this study for the benefit of millions of Canadians, from students to small business people, to owners and seniors.

Senator Kroft, and I think most members of the committee, immediately saw that what we thought would be a rather arcane, dry subject was actually full of human complexity and of tremendous import to Canadians in general but specifically to the small business economy in Canada. He demonstrated true leadership. He led by example, as I realized from the joint press conference. When we would get away from the main principles and into the technical matters, I was like a deer in the headlights; but Senator Kroft understood and knew it all. He answered questions spectacularly. He could explain the rationale for how the committee arrived at each recommendation, and there were over 50 of them. It was quite impressive.

Richard, I do not know if you realized the "commotion" your resignation caused the Banking Committee. Let us just say there was some turmoil over replacing you, and perhaps that is fitting. You did not hold the position nearly long enough as far as I am concerned.

I want to wish you the very best in what I know is not a typical retirement. You will probably be busier now than you were before. I wish you all the best from our caucus, and warmest wishes to you and your family.

Hon. Wilfred P. Moore: Honourable senators, I wish to join colleagues in speaking in tribute to the Honourable Richard Kroft, who was my seatmate for nearly all of his six years in this place. I have known Richard for over 20 years. During that period we have collaborated on many fronts, and we became very good friends.

As has been mentioned, Richard distinguished himself in the service of Canada in his chairmanships of our Standing Committee on Internal Economy, Budgets and Administration and the Standing Senate Committee on Banking, Trade and Commerce. Perhaps his greatest contribution has been his talent to get colleagues together to canvass issues of the day over a meal somewhere off Parliament Hill. I shall personally miss that fellowship, Richard, and our many issue-solving sessions.

Since coming to the Senate, his administrative assistant has been Ms. Lisa Fisher. I know that Richard would wish me to record his appreciation and thanks to Lisa for her assistance. I am delighted to report that I am the beneficiary of that period of mutual tutelage as Ms. Fisher now works with me.

Richard, I have always found most interesting your many advices to me regarding your beloved hometown of Winnipeg, including the people and the events of national significance rooted there and which continue to emanate therefrom. However, despite

those impressive facts, Richard, I still am not convinced that Winnipeg really should be the capital of Canada.

I wish you, Hillaine, and your family the very best of health and happiness in the years ahead, and I hope that your leisure time will permit you to come to Atlantic Canada to our fabulous, historic Atlantic coast where our great country began.

Hon. Mira Spivak: Honourable senators, if there is one word in our community in Manitoba to describe Richard Kroft, that word is "perfect." He has heard that before. Life for him is not a farrago but the orderly pursuit of excellence in all endeavours. He is the very glass of fashion in a conservative way, of course, highly respected in business, wise in many varied ways, and an exemplary family man.

Respect and admiration is his due in Manitoba. As a fellow traveller and a friend of the family, I wish to comment briefly, in a manner I am not accustomed to, on that aspect of his career — is the result of a quite extraordinary record of community service, not overshadowed by his national service, as attested to here.

How Catholic that record is, embracing cultural, civic, provincial, educational and political causes. His support of the Royal Winnipeg Ballet enabled the erection of a splendid ballet school. He was involved in the Pan Am Games. He was named to the Premiers and Mayors Committee to determine the future of the Winnipeg Jets and a new arena. He was named as well to the Port of Churchill Task Force and to the Mid-Continent International Trade Corridor Task Force. That is just for starters for someone so young.

Hardly any of Winnipeg's venerable institutions have been left untouched by his influence: the University of Manitoba, the Asper School of Business, St. Pauls, Misericordia Hospital, the Jewish Foundation, the Jewish Museum — and the Liberal Party.

If there is one small flaw in this picture, one tiny imperfection, it is his political judgment. Too good, too good for my taste!

May I say that it has been a privilege and a pleasure to have had him here as a colleague in the Senate. I want to wish him well in all of his future careers that I am sure he will pursue, and of course Hillaine will have a golf partner.

Hon. Lucie Pépin: Honourable senators, it is not easy for me to stand here and say goodbye to our colleague Richard Kroft. Over the years, we have come to know this man and his extraordinary intellectual, moral and professional integrity. He has marked our institution by the force of his personality and the quality of his work. His familiarity with the ins and outs of the business world will be a sad loss to the Senate.

Senator Kroft is reserved but warm-hearted, quiet but effective. He is a courteous colleague who treats everyone with respect. An exemplar of what the word "pragmatism" means, he does not rattle the chandeliers or go off on long, lyrical flights, and yet the clarity and sincerity with which he expresses his ideas leave little room for confusion. He is someone who inspires trust. We always knew where we stood with him and his word was his bond.

The fact that Senator Kroft is leaving before his official retirement age is emblematic of his character. He is his own man, someone who throws himself entirely into any job he has decided to take on. His legendary mastery of the issues is the result of this conviction that something worth doing is worth doing well. His own rich life shows that he has always been 100 per cent committed to the causes in which he believes for his community and for his country. Because of his dedication, he was invited in 1997 to become a member of the Order of Canada.

Senator Kroft, you are one of those of whom it can confidently be said that they will leave their mark.

Today we are losing a highly competent colleague and, above all, the daily companionship of a good friend, which is how I will always think of you. We will miss you here at the Senate.

I join with all my colleagues in wishing you the best of health and well-deserved rest, surrounded by your family, Hillaine, Elizabeth, Steven, Gordon and all your grandchildren. May the wind be always at your back and the sun on your face.

[Translation]

Hon. Céline Hervieux-Payette: Honourable senators, I agree completely with Senator Spivak, who has given us an extensive list of our colleague's many qualities, but I take issue with her saying that he is too Liberal. I think this is one of his greatest qualities. I am paying tribute to Richard in French since he will now have the time to take French courses, which will allow him to speak to his children and grandchildren in the language of Molière.

Having sat with him on the Standing Senate Committee on Banking, Trade and Commerce, I have been able to witness his leadership and wisdom in his dealings with others. The word "integrity" best describes Richard. He has served Canada well. He has represented the citizens of Canada, women in particular, and I thank him for everything he has done here in the Senate for Canada, for his province and especially for his community, where he was very active. Thanks to him, about 30 years ago I even learned to like the temperature in Winnipeg.

I wish him and Hillaine and his entire family much success and I wish him much happiness in his new endeavours.

• (1350)

[English]

The Hon. the Speaker: Honourable senators, I regret that the 15 minutes for tributes have passed, but I mention that my understanding is that Senator Banks will ask for leave under Notices of Inquiries to return to that subject, should senators so wish at that time.

[Translation]

SOCIAL DEVELOPMENT

CONFERENCE ON CHILDREN'S EDUCATION AND DAY CARE

Hon. Rose-Marie Losier-Cool: Honourable senators, I would like to draw your attention today to a conference on early learning and child care that was held last weekend in Winnipeg.

[Senator Pépín]

This major event was organized by the Canadian Council on Social Development, with support from Social Development Canada, the Government of Manitoba, and Status of Women Canada. The numerous speakers, most of whom were excellent, represented the various levels of government, our own Senator Pearson among them, as well as the private sector, unions, and proponents of education and child care.

[English]

The three-day conference alternated presentations, panels, plenary sessions, workshops and even a town hall meeting hosted by none other than the CBC's Mark Kelly. Many hundreds of participants dealt with a wide range of themes including child care and early learning as two national priorities, financing an infrastructure of child care and early education, unique communities such as Aboriginal children and linguistic minorities, and the enormous benefits of child care and early education to parents, children, society in general and to the Canadian economy.

[Translation]

The following are the five main points that came out of the conference. First, child care and early childhood education no longer concern only women or mothers, as they did in the 70s, but society as a whole.

Second, child care and early childhood education are no longer a matter of just parking children somewhere, but a means of getting our future adults off to a good start.

Third, child care and early childhood education are not a business venture but a public service on a par with health or education.

Fourth, as the Minister of Social Development, Ken Dryden, said, our new national child care and early childhood education system must be irreversible, so that it cannot be diminished or done away with by future governments.

Finally, our new system must be capable of attracting, training, motivating and retaining more specialized workers.

Honourable senators, I will be returning to this matter within a few weeks in the form of an inquiry.

[English]

NATIONAL PHILANTHROPY DAY

Hon. Terry M. Mercer: Collectively, charitable organizations draw on over two-billion volunteer hours and more than \$8 billion in individual donations to provide their services. This year, hundreds of charities and over 50,000 people across North America will participate in ceremonies marking National Philanthropy Day which was first formally celebrated in 1986. It is a day for all Canadians to honour their volunteers and to recognize that when we choose to give and offer our time, our nation becomes better.

You will receive a copy of the supplement to the *National Post* which celebrates National Philanthropy Day and its history. I encourage you to read it. You will find that philanthropy truly is the "love of mankind." It simply means people helping people.

All 14 chapters of the Association of Fundraising Professionals celebrate National Philanthropy Day in their own way. In Halifax and Ottawa, awards are being presented to outstanding contributors to our sector, from large corporations to individual volunteers. I would like to congratulate the award recipients from Halifax, Volunteer Fundraiser of the Year, Ruth Goldbloom; Individual Philanthropist, Ken Rowe; Corporate Philanthropist, The Maritime Life Assurance Company and O'Regan's Automotive Group; Small Business Philanthropist, the Halifax Shopping Centre; Philanthropic Group, GIFT Atlantic; and the Rising Star Fundraising Professional Award to Jodi Swan.

I will be attending the Ottawa awards event this evening. I offer my congratulations to the Chair of the Organizing Committee, Neil Leslie, and the Ottawa Chair of AFP, Tim Kluke, on what I am sure will be a fantastic event. Similar events will be held in Vancouver, St. John's, Toronto, Winnipeg, Montreal, Regina, Windsor, Calgary and Victoria.

Honourable senators, a recognized National Philanthropy Day by the federal government will go a long way to increasing the awareness of charities and the important role they play in Canadian society. I will continue to pursue the goal of a federally recognized National Philanthropy Day during my tenure in this place and beyond, if I have to. That is how important charitable giving is to me and to all Canadians.

NUNAVUT YOUTH ABROAD PROGRAM

Hon. Laurier L. LaPierre: Honourable senators, the Nunavut Youth Abroad Program, or NYAP, is an exciting leadership development program that was designed a few years ago to meet the unique needs of northern youth in the area that has since become Nunavut.

NYAP developed out of a study that determined that the key to success for many Inuit students was travel outside of their remote home communities. Participants in the program gain an orientation to life outside their culture, and through work and travel are prepared for post-secondary studies in southern Canadian cities. This innovative, multi-phased program enables Nunavut youth to acquire concrete work skills: first, through work placements in communities across Canada and second, through placements in southern Africa. Participants have developed skills in the areas of journalism, communication, environmental conservation, office administration and management, education, trade and health. These skills are crucial for youth to play a greater role in the decision-making process of their new territory.

The honorary patrons of NYAP are John Amagoalik and Susan Aglukark. The participants have developed the confidence and motivation to complete their studies and have forged new respect for the indigenous people of Nunavut, the Inuit. During the past seven years NYAP has helped to develop leadership, cross-cultural awareness, career aspirations and international citizenship. I congratulate them.

[Translation]

QUEBEC

NATIONAL ASSEMBLY— ELECTION OF FIRST WOMAN OF COLOUR

Hon. Marisa Ferretti Barth: Honourable senators, as the first Italian-Canadian woman appointed to the Senate, I invite you to join me in applauding the election of the first woman of colour to the Quebec National Assembly.

For the past year, Yolande James, a young lawyer, has worked as a political attaché to the Minister of Health, Philippe Couillard. She was elected to represent the riding of Nelligan in a by-election held on September 20, 2004.

I am sure that Ms. James will work on behalf of her constituents with dedication and enthusiasm. Honourable senators, let us wish her great success in her new role.

• (1400)

[English]

THE LATE SHERMAN FENWICK HOMER ZWICKER

Hon. Wilfred P. Moore: Honourable senators, I rise today to make a statement on behalf of my friend Sherman Fenwick Homer Zwicker, who passed away on November 9. A proud son of Lunenburg, Nova Scotia, Sherman served as mayor of his historic hometown from 1971 to 1979. He had earlier served for eight years as a town councillor. Over the years, Sherman served on more than 30 volunteer organizations, often as chair, at the town, county, provincial and national levels. He truly led by example.

From 1960, he was president of Zwicker and Company Limited, the family firm that traded in salt fish in the British and Foreign West Indies and the South America trades. Prior to retiring in 1990, Sherman served for 10 years as the executive director of the Union of Nova Scotia Municipalities, his most cherished level of governing.

Sherman was the ideal candidate for every political party at the provincial and federal levels. Despite the many courtships, he chose to keep himself true to municipal government by not aligning himself with any party. However, he often reminded me of his willingness to serve in this august chamber and that he was ready to take that call. What a fine senator he would have been.

Early in October, Sherman was recognized for his exemplary community service when he was awarded the Order of Nova Scotia by Her Honour, Lieutenant Governor Myra Freeman. In continuation of the Zwicker family tradition of public service, Sherman saw his son, Peter, elected to Lunenburg's town council on November 16. A devout Anglican, Sherman's committal service was held in St. John's Anglican Church, our partially restored place of worship that he loved so much.

We express our deepest sympathy to Sherman's wife, Barbara, and his children, Peter, Lisa and Andrea, and we thank them for sharing him with us.

THE HONOURABLE LAURIER L. LAPIERRE, O.C.

TRIBUTES

Hon. Pat Carney: Honourable senators, I should like to add my comments on the impending retirement of my friend and colleague Laurier LaPierre. Due to unforeseen circumstances yesterday, I was unable to take part in the Senate tribute.

I have known Laurier since the mid-1960s when he was a shy and modest man. He was a university professor who taught Canadian history and he hosted a CBC program, *Inquiry*, produced, as it happened, by my twin brother, Jim.

Laurier was the first French Canadian to show me that an English Canadian from the West and a French Canadian could share the same vision of the country. Remember, senators, this was before Expo '67 and before Pierre Trudeau; this was the time when we were all young and committed, and Canada was being reinvented as a bilingual and bicultural country. Laurier was very much part of that. Both my brother and Laurier went on to *This Hour Has Seven Days*, one a star and the other a producer.

Through television, Laurier showed Canadians that across the language and cultural divide we could all contribute and enjoy a sense of country. He was so successful that *Maclean's* ran him on the cover as a potential Prime Minister of Canada. He was appointed to the Senate, and everyone knows that being a senator is better than being a prime minister. He has been travelling across the country to support that shared vision of a beloved country.

I want to say, Laurier, that we will miss you in this chamber and, until we meet again, adieu and God bless.

[Later]

Hon. Joyce Fairbairn: Honourable senators, I rise today to say a fond farewell to my seatmate, Senator Laurier LaPierre. I reminisced with him today that not his friendship with me but, rather, my admiration for him goes back a long time to the days when I was a young journalist in the Parliamentary Press Gallery. He and Patrick Watson were on *This Hour Has Seven Days* which, as those of you who are old enough will remember, was a true marker of a new form of television journalism in Canada. It was lively, controversial and outrageous. It introduced us to interesting people in other parts of Canada, such as a fellow named Pierre Trudeau and another named René Levesque. It debated on air and, in the end, it became the subject of a House of Commons inquiry. It was at that point that I actually saw these people alive, well and still aggressive in their protection of their program.

It is fair to say that part of Laurier is much within the Canadian soul. He has a passion unlike anyone I know when it comes to Canada and her institutions. He has made a contribution to young people across this country where he has worked diligently to try to spark an interest and a sense of pride in Canadian history and culture. Laurier has been a troubadour of extraordinary talent and heart for so many years. He has certainly added an element of interest, devotion and zip to this chamber. He speaks

his mind; he is as straight as an arrow; and he is compassionate for the people of this country which he loves so dearly.

Laurier, it is sad to see you go but I have a sense that you will just keep on marching, every step of the way, and we will march with you. Thank you for your friendship and your contribution to the Senate of Canada.

THE HONOURABLE ARCHIE JOHNSTONE

TRIBUTE

Hon. Elizabeth Hubley: Honourable senators, I know that when our colleagues in this chamber retire they are supposed to be "out of the picture," so to speak, and yet they are never far from our memory, especially those individuals who have made an indelible mark with their unique personalities, knowledge and abilities. One such person is the esteemed former Senator Archie Johnstone, who represented Prince Edward Island in the Senate briefly from 1998 to 1999 and who, coincidentally like myself, also calls the town of Kensington home.

Although Archie is no longer in the Senate, I can assure you that he continues to be a keen observer of government and politics. As one might expect of someone who has given much of his life to public service, he remains active in many community organizations. Always a proud Scot and a fervent family historian, Archie arrived at my door just last week with a genealogical chart demonstrating quite clearly and unequivocally that he and I are related.

Archie Johnstone is a man of many accomplishments. He is a decorated veteran who flew with the Royal Air Force during World War II. As his friend and neighbour, I know that November 11 holds great meaning for him. Recently, he published a collection of poetry called *Expressions* — reminiscences and little jewels from his life's experiences. One of the narrative poems in this little book is about the membership and composition of the Senate. Casting his eyes across these benches, Senator Johnstone notes:

There are Protestant ministers, Catholic sisters and others
almost Devine
Whose profound thinking is oft thought to be ahead of its
time...
Among contractors and broadcasters, there are lawyers by
the score
Surely it would be inhuman to punish the Senate with one
Q.C. more...
There are re-treaded politicians, Aborigines, and tillers of
the soil
Economists, trade unionists, and those versed in mining, gas
and oil...
There are esteemed former Premiers, too old to lead, too
young to die
Biographies are available, should you wish to apply...

Honourable senators, without a doubt the Senate is a place where Canadians from diverse backgrounds come together to fulfil a great and honourable constitutional responsibility. To the list of distinguished former senators we can surely add the name of Archibald Hynd Johnstone.

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS
AND ADMINISTRATION

FIRST REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Wednesday, November 17, 2004

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIRST REPORT

Your Committee recommends that the following funds be released for fiscal year 2004-2005.

Rules, Procedure and the Rights of Parliament
(Legislation)

Professional and Other Services	\$ 9,000
Transportation and Communications	\$ 500
Other Expenditures	\$ 0
Total	\$ 9,500

Scrutiny of Regulations (Joint Committee)

Professional and Other Services	\$ 2,340
Transportation and Communications	\$ 1,650
Other Expenditures	\$ 2,250
Total	\$ 6,240

Respectfully submitted,

GEORGE FUREY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1410)

[Translation]

THE SENATE

RULES OF THE SENATE—NOTICE OF MOTION
TO CHANGE RULE 135

Hon. Raymond Lavigne: Honourable senators, I give notice that on Tuesday, November 23, 2004, I will move:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

135.1 Every Senator shall, after taking his or her seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (full name of Senator), do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Canada.

[English]

THE HONOURABLE RICHARD H. KROFT, C.M.

TRIBUTES—NOTICE OF INQUIRY

Hon. Tommy Banks: Honourable senators, with leave of the Senate and notwithstanding rule 57(2), I give notice that later this day I will call the attention of the Senate to the contributions to the Senate of the Honourable Richard Kroft, who resigned on September 24, 2004.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

QUESTION PERIOD

JUSTICE

SUPREME COURT—
APPOINTMENT PROCESS FOR JUDGES

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. Could the honourable minister describe for the house the current government's policy concerning improvement of the appointment process in filling vacancies on the Supreme Court of Canada?

Hon. Jack Austin (Leader of the Government): Honourable senators, the Minister of Justice is holding consultations with parliamentarians with respect to the process. That is as succinct an answer I can supply to Senator Kinsella.

Senator Kinsella: I am glad to have that answer from the minister because it would appear to me that the Minister of Justice is doing just the opposite.

Honourable senators will recall that last May the House of Commons Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness tabled its very well-researched and concise report on improving the appointment process for Supreme Court judges. Last month the Minister of Justice, Irwin Cotler, Senator Austin's colleague in the cabinet, responded with a two-page response. However, according to the *Ottawa Citizen* last week, the honourable member in the other place, the Liberal chair of that House committee — that is right, the member of Parliament who is in the government caucus and is chair of that committee — wrote a letter to the minister describing the brief and non-committal response from Minister Cotler as being "inappropriate in light of all the work that MPs put into their report."

There seems to be a disconnect between the government leader's answer to my first question, the comments of the Liberal chair of the committee that prepared the report last May, and the position of Minister Côté. Could my honourable friend please explain?

Senator Austin: Honourable senators, I see no disconnect. Obviously in a consultation process there will be a variety of views offered to the consulter, in this case the Minister of Justice. Perhaps there are some who have made submissions who are not as yet satisfied with the nature of the consultation, but that consultation process continues.

Senator Kinsella: Could the minister give us a sense of the timeline? We already have a detailed report submitted by the committee in the other place. The minister, according to Senator Austin, is in consultation and will look at this issue further. How much longer are we expected to wait until we hear a more definitive position of the policy of the Government of Canada on this very important matter that has seized the attention of all Canadians?

This issue has seized the government's attention because even as recently as today there is a rather startling headline in *The Globe and Mail* stating "Top court is asked to rule on conspiracy theory." I do not associate myself at all with the content of that article, but perhaps my honourable friend would want to use the opportunity while he is on his feet to explain the government's reaction to what is being alleged.

Senator Austin: Honourable senators, staying with the specific question, the Government of Canada introduced a novel procedure with respect to the appointments of Madam Justice Charron and Madam Justice Abella to the Supreme Court of Canada. The novelty of that procedure was that the Minister of Justice went before a committee in the other place to explain the reasons why he believed these two jurists were deserving of sitting on the highest court of Canada. That procedure is being evaluated in light of the comments and questions the members of that particular committee offered during the course of the observations and evidence given by the Minister of Justice and thereafter.

The government wants to achieve a transparent process in making these extremely important appointments while at the same time seeking to avoid introducing personalities and partisanship.

Senator Tkachuk: Please!

Senator Kinsella: Would the minister not agree that the committee to which he referred was an ad hoc committee that did not have any representation from this house of Parliament, and that under the process of review he alluded to earlier it may be prudent and advisable, if a committee model is to be used for ratification in the future, that this house be represented on such a committee?

Senator Austin: Honourable senators, I will take that representation by Senator Kinsella to the Minister of Justice as part of his process of consultation.

• (1420)

Hon. Anne C. Cools: Honourable senators, I have a supplementary question. I believe I heard the Leader of the Government say that the Minister of Justice appeared before a committee. Could the minister tell me what committee that was? At the same time, could the minister tell me what constitutional authority exists for such a committee?

Senator Austin: Honourable senators, I believe that any minister and any parliamentarian has the authority to consult with any Canadians that such minister seeks to consult.

As Senator Kinsella, the Leader of the Opposition, has just said, the committee was an ad hoc committee composed of members of the other place who were chosen by their parties to be members of that ad hoc committee.

Senator Cools: I think the minister misunderstood me. I was not speaking about any process of consultation, nor was I suggesting that consultation is not a desirable characteristic of modern governments. I was just seeking to know what constitutional or parliamentary authority exists for the creation of ad hoc committees. In other words, in a parliamentary way, what is an ad hoc committee? What is it a committee of? A committee is a subset of a larger set. What is an ad hoc committee a committee of? Is it a committee of the House of Commons?

Senator Austin: Well, honourable senators, I would like to answer the question as I have answered it. It was a committee of members of the other place constituted by agreement amongst the party leaders in that chamber.

Senator Cools: Perhaps I could find out the legal basis for constituting a committee by an informal agreement.

Senator Austin: Perhaps, Senator Cools, you could tell me why the organization of such a committee does not have parliamentary authority to it.

Senator Tkachuk: Do not ask us questions.

Senator Cools: I think the minister is a little confused, honourable senators. My understanding is that during Question Period, only a minister of the Crown can speak for the government in this place, so I believe the minister is confused and thinks that I am a member of the government.

Senator Austin: I have never been confused in that regard. I speak for the government but, in speaking for the government, I sometimes ask colleagues opposite to be clearer about their points. What I do not understand in Senator Cools' question is what legal or constitutional authority the honourable senator alleges may be missing in the organization of a committee in the other place.

Senator Tkachuk: She will tell you; you know that.

Senator Cools: I can tell you what is missing, honourable senators. In point of fact, the committee is a piece of fraud. The minister has provided me with an opportunity to say that the so-called ad hoc committee is a mimic. It is a parliamentary mimic. It is a parliamentary impersonation. That is what it is.

I will tell the minister what authority a committee needs in order to be constituted. It is called an "order of reference," and it is brought into existence by a vote of one or the other House. Then, perhaps, the minister can tell me what the order of reference was on the floor of the House of Commons that caused such a committee to be constituted.

Senator Austin: Honourable senators, I do not think it is within the normal processes of Parliament for this chamber to question the procedures adopted in the other House.

Senator Lynch-Staunton: Parliament was not even sitting!

PRIME MINISTER'S OFFICE

OFFSHORE OIL REVENUES—NEGOTIATIONS WITH NEWFOUNDLAND AND LABRADOR AND NOVA SCOTIA—COMMENTS BY MEMBER OF STAFF

Hon. Gerald J. Comeau: Honourable senators, the Prime Minister's spokesperson has become an irritant in negotiations between the federal government and the Newfoundland and Labrador government in the question of an offshore revenue agreement. Twice now, Scott Reid, the Prime Minister's director of communications, has made comments that have caused setbacks in resolving this dispute. The situation has become so bad that Premier Danny Williams has called on the Prime Minister to put someone else in charge of handling communications on this file.

Given the sensitive nature of negotiations over this file and the fact that Mr. Reid's interventions have left the impression that Ottawa is conducting these negotiations with Newfoundland and Labrador in bad faith, is the government considering the removal of Mr. Reid from this file?

Hon. Jack Austin (Leader of the Government): Honourable senators, the answer is no.

Senator Kinsella: Why not?

Senator Austin: Senator Comeau's question is a bit stale-dated. The three governments, namely, the Government of Newfoundland and Labrador on the one part, the Government of Nova Scotia on the second part, and the Government of Canada on the third part, are in active discussions at this time.

Senator LeBreton: Well, it is not stale, then. It is only stale-dated if you come to a solution.

Senator Austin: I can assure you that all parties want to carry on those discussions without raising in any way the public temperature on this issue.

Senator Comeau: The minister indicates that the question is stale-dated, but I am quite sure that the other provincial governments have been following the negative approach by the Prime Minister's Office on this question. First, Mr. Reid had to apologize for threatening that Mr. Williams was making a mistake of historic proportions by not agreeing to the terms of the federal offer. This was perceived, of course, as a threat to the people of Atlantic Canada. Then, just last week, he pre-empted a meeting by telling CanWest news, in advance of this meeting, that there was no possibility of a deal being struck.

Given Mr. Reid's increasingly unhelpful interventions on this file, will this government stop the practice of using Mr. Reid to negotiate these issues through the media?

Senator Austin: Honourable senators, as I said, it is very much in the interests of the two provinces I have mentioned and the Government of Canada to conclude an arrangement that is satisfactory to all three parties. Mr. Reid has apologized for his comments. Those apologies have been accepted by the Premier of Newfoundland and Labrador, and that is where it rests.

FOREIGN AFFAIRS

SUDAN—CONFLICT IN DARFUR—EFFORTS OF GOVERNMENT—STATUS OF SPECIAL ENVOY

Hon. Gerry St. Germain: Honourable senators, my question is also to the Leader of the Government in the Senate. On the weekend, Prime Minister Martin once again chastised the United Nations for not acting fast enough in responding to the situation in Darfur. That is a fair comment. However, it seems clear from the news reports that the route the Liberal government has chosen is no more expedient. The African Union is assembling, according to reports, a 75,000-strong intervention force for Darfur, an effort that the Liberal government never fails to mention it is supporting. Yet, the force is clearly not ready for action.

After speaking to the head of the African Union on the weekend, Prime Minister Martin was quoted as saying that they are not quite sure what their needs will be. Mr. Martin then asked that a list of the needs be supplied to him.

Can the minister tell us when Mr. Martin expects to get the list of the needs, and when those needs will be fulfilled?

Hon. Jack Austin (Leader of the Government): Honourable senators, there is no country which has done more to try to alleviate the situation in Darfur than has Canada. Our very own colleague, Senator Jaffer, was the first person on the ground sent by any foreign government to deal with and review the Darfur situation.

Hon. Senators: Hear, hear!

Senator Austin: Canada was the first country to make a commitment of \$20 million to organize a group on the ground to report back to the United Nations with respect to the situation there. Canada has provided training and material to the African Union force, as we discussed earlier in this chamber.

The Prime Minister will be travelling to Khartoum in the next few days to have discussions with both the leaders of the Sudanese government and the leaders of the communities in the Darfur and southern Sudan region.

As Senator St. Germain has pointed out, the Prime Minister spoke in the United Nations and urged the United Nations to take stronger steps to deal with a difficult and unhappy situation in the Sudan.

Senator St. Germain: Honourable senators, this is a replay of the Rwanda situation, in some aspects. The minister says there is a commitment of \$20 million. We had our special envoy on the ground, which I see as an honourable move. Has any positive action been taken to help these people? Where did the \$20 million go? If the minister is saying that the African Union is 75,000 strong and the Prime Minister is then asked to supply a list of needs, just exactly what is happening over there? Are we simply being spectators, mouthing words and taking no action?

• (1430)

Honourable senators, this issue is not a question of partisanship. It is a question of taking a forceful position, getting things done and not relying on the United Nations. The government has criticized other countries that have not relied on the United Nations, yet as a government we seem to be going back and relying on them when we know they are ineffective.

Can the leader explain to us where the \$20 million went? Did it go to the people on the ground?

Senator Austin: I very much appreciate the question. The \$20 million is a contribution to the African Union to organize its peacekeeping efforts and to allow for the capacity to assist people on the ground in Darfur.

We have also sent \$250,000 of equipment to the African Union mission, and we have sent people to provide training for African Union forces in dealing with peacekeeping. As senators know, the African Union is the force designated by the United Nations to play that role and has the backing of its members in Africa.

Negotiations are also underway with respect to a separate peacekeeping mission in southern Sudan. While separate from the African Union process, it will require the authority of the United Nations. This is an arrangement insisted upon by the Government of Sudan, which is a member of the United Nations. We are proceeding here to support but not to override the activities of the United Nations.

As Senator St. Germain has noted, the Prime Minister appeared before the General Assembly of the United Nations and stated that the doctrine of state sovereignty is not by itself to be taken to limit the responsibility of the world community to assist populations that are endangered as a result of failed states or the actions of authoritarian and malevolent governments toward minorities. This, as Senator St. Germain also knows, is a Canadian value that was laid before the United Nations General Assembly by Prime Minister Chrétien when he appeared there last year.

[Senator Austin]

Senator St. Germain: The question boils down to this: What is being done to help the people in Darfur? They are being attacked by vigilante groups. Is the Canadian government doing anything definitive other than trying to persuade the United Nations, which has failed dismally in Rwanda and other places? Is anything actually being done?

We have a special envoy. Are we allowed to ask her questions about what is transpiring? What is her status as a special envoy? Is she part of the executive branch of government or is she part of the legislative branch? These are all important questions because if we have a replay of Rwanda, we cannot just stand back and say that it happened again. I ask these questions out of a sincere concern for the people on the ground in Darfur.

Senator Austin: I do not doubt for a moment the sincerity of the questions and their importance. We have had an exchange in the Senate on this topic before, and I pointed out that Canada is acting in the vanguard of any nation in terms of endeavouring to facilitate the safety of the people in Darfur. We are obliged to act within the context of the United Nations. We cannot simply organize a force and land it in Sudan against the wishes of the world community and against the wishes of the Government of Sudan; nor could we make a meaningful contribution even if we did that. A contribution that is meaningful must be made by the world community, and we are in the field urging the world community to come to this task. The Prime Minister will be in Khartoum so that he can report to other world leaders with respect to the situation there. In the circumstances, the Prime Minister's visit to Sudan to personally view the situation demonstrates the goodwill and commitment of Canada.

Hon. Terry Stratton (Deputy Leader of the Opposition): That was a rather interesting answer because it did not respond to the first part of the question asked by Senator St. Germain. Under what authority did Senator Jaffer travel to Sudan? Who paid for the trip? With whom and with how many others did she travel? Those questions need to be answered on the floor of this chamber by the minister.

This occurs on a continuing basis, so we are told, yet nothing seems to transpire other than the fact that we get these little reports.

If the honourable senator is travelling, is she given an annual budget for her visits? If so, what is that budget? If she is given this authority to travel and work in this field, how many additional staff does she have? Those questions need to be answered.

Senator Austin: Honourable senators, I have no hesitation in answering those questions. I have answered them here before.

Senator Jaffer is not a member of the executive. Senator Jaffer is a member of this legislature as is well known here. In addition to that membership, she has been asked by the Minister of Foreign Affairs to act as a special emissary to Sudan. She is an eminent Canadian lawyer. She speaks some of the languages of

that area. She has developed a substantial credibility to assist in the dialogue with the parties there. She cannot be asked questions in this chamber because she does not fall within our rules as one of those persons who can be asked questions. I am sure Senator Stratton is very clear on that point even without asking the question.

Having said that, I will ask Senator Jaffer to make a statement, which she can do as a senator, with respect to the work she is doing there.

Senator Stratton: I appreciate that very much. There is a need to clear the air, particularly as to exactly how much travel Senator Jaffer is doing. It must be fairly large in scope to that area of Africa. I am not denigrating her efforts except to say that if she is, in essence, representing Canadians as an emissary of the government and of the Prime Minister, she should make a statement. She should tell us what her annual budget is, how much she travels, what this costs the people of Canada, along with how much additional staff she has in her office and, if she travels, who she travels with.

It is critical to lay that information on the table so we can determine what is taking place.

Senator Austin: Honourable senators, Senator Jaffer is an adviser to the Minister of Foreign Affairs and, like any other person, those communications are not public.

With respect to her expenses and the other questions that Senator Stratton has asked, the current rules require them to be disclosed within defined timeframes.

• (1440)

Hon. David Tkachuk: Have any other senators been special envoys?

Senator Austin: In the past, there have been senators who were special envoys. Honourable senators may recall that Senator Lois Wilson was a special envoy, originally to Sudan and then to North Korea.

Honourable senators, I hope I am not hearing an implication from the other side that senators should not be employed to assist Canadian interests where those senators have special qualifications.

Senator Tkachuk: I never said that. I asked if there had been other special envoys. The minister mentioned one. I ask if there were any others. Also, when the honourable senator says "employed," exactly what does he mean by that?

Senator Austin: The word "employed" means "used" or "retained." I will get a thesaurus if the honourable senator does not understand the word, but it means "engaged in."

Senator Stratton: Don't go getting thin-skinned here again!

Senator St. Germain: This is not a question of denigrating the work that is being done. What I want to know is: under what authority are these people appointed? Ambassadors are

appointed under a certain authority. Is this a Governor-in-Council appointment? These people are going out, and Parliament, or the Senate does not have the ability to scrutinize these appointments. These appointments are made arbitrarily by the minister. There is no process for us to access information from these individuals, and as the official opposition, we have the right to know. Is this just a special scenario that the government has that they do not have to explain to the official opposition, or the official opposition does not have the right to know and get reports back from these people?

I am concerned about the authority. I do not wish to take away from the good works that are being done, but I would like to know what authority there is for these decisions.

Senator Austin: Honourable senators, I thought it was very clear, because the rule applies to all honourable senators with respect to compensation, that if a person such as Senator Jaffer is asked to carry out a role as a special emissary, no additional compensation is paid. I thought that was so obvious that I did not understand what Senator Tkachuk was asking when he asked me what I meant by the word "employed."

In response to the second question, Senator Jaffer, vis-à-vis the minister, is in the same position as any person who is not a senator who is asked to be a special emissary. I am not talking about compensation, but reporting.

Honourable senators should know that it might be possible for someone opposite to be a special emissary; there is talent on that other side.

Senator Robichaud: They don't believe it themselves!

Senator Stratton: If you only knew!

Senator Austin: That role does not change the role of the senator who might be an emissary. To be very clear, the appointment of Senator Jaffer is a ministerial appointment, not a GIC appointment.

Hon. Noël A. Kinsella (Leader of the Opposition): Is it the minister's view that the payment of travel in this kind of circumstance is consistent or inconsistent with section 14 of the Parliament of Canada Act?

Senator Austin: I believe that the payment of expenses is not an infraction of any rule applying to the senator.

Hon. Pat Carney: My question is for the Leader of the Government in the Senate. I am fascinated by the possibility that some of us who sit in opposition could be appointed as emissaries of the government in areas of our expertise.

As the minister knows, I have expertise in an area of common interest, China. I am certainly willing to entertain such an offer, should one come forward. Could the honourable senator elaborate on the terms and conditions of such an offer made to an opposition senator?

Ireland is another area in which I am very interested. We could all give our requests to the minister for the areas in which we would like to be named as special emissaries, particularly since we will be marked present in the Senate chamber while we are off in Dublin or Beijing.

Senator Austin: Honourable senators, I understand that Senator Carney would like to be a special emissary, from what she has said, and I will pass her representation on to the Minister of Foreign Affairs. I am sure due consideration will be given to that issue.

Senator Carney: Or international trade.

Senator Austin: Due consideration will be given to that issue, as well.

Honourable senators, I do not wish to leave outstanding any implication — I am sure Senator Carney did not mean it — that someone who is absent from this place on public business is in any way behaving contrary to the rules of this chamber.

The Hon. the Speaker: Honourable senators, I regret to advise that the time for Question Period has expired.

Some Hon. Senators: Oh, oh.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour of tabling three delayed answers to oral questions raised in the Senate; the first in response to the question raised in the Senate on October 19, 2004, by Senator Oliver regarding Indian Residential Schools Resolution Canada.

[English]

I have a second delayed answer to questions posed in the Senate by Senator Gustafson, on November 4, 2004, regarding the Northwest Territories negotiations to clean up Giant Mine.

I also have a third delayed response to questions raised in the Senate by Senator Keon, on November 3, 2004, regarding water quality on reserves.

OFFICE OF INDIAN RESIDENTIAL SCHOOLS RESOLUTION

ALTERNATIVE DISPUTE RESOLUTION PROCESS

(Response to question raised by Hon. Donald H. Oliver on October 19, 2004)

Administrative Costs of Alternative Dispute Resolution Process (ADR)

The Government of Canada is committed to resolving proven claims of physical and sexual abuse of former Indian residential schools students as expeditiously, humanely and compassionately as possible, giving priority to the sick and the elderly.

[Senator Carney]

As of October 22, 2004, the Government of Canada has received over 900 application forms for the Alternative Dispute Resolution (ADR) process and we continue to receive application forms, schedule hearings and resolve claims. In addition we continue to settle litigation claims; nearly 1,730 claims have been settled, the vast majority through out-of-court processes.

One of the biggest challenges facing the Government is finding the most effective way to respond to the 13,000 individual claims of sexual and physical abuse at Indian residential schools in a timely and effective manner.

The Resolution Framework, launched in November 2003, contains a suite of approaches that is composed of an ADR process to resolve claims of physical and sexual abuse; health supports; commemorative initiatives, and litigation. The Government estimates that over the next seven years, the cost of the Resolution Framework will total about \$1.69B. This cost includes \$955M for settlements; \$335M for the ADR process (research, Adjudicator Secretariat in Regina, et cetera); \$74M for health and safety supports; \$10M for commemoration and \$285M for litigation, since it is always an option for claimants.

The Government of Canada cannot confirm the reported cost of \$18,000 to resolve an ADR claim since it is unsure how this figure was calculated. What we can confirm is that the first hearing took place at the end of May 2004, and it is too early in the process to know the average cost of resolving an ADR claim. The Government of Canada will provide an average cost of resolving ADR claims once it has reached 50 resolutions with former students — we anticipate that this will be early in the new year. Although the cost is unknown at this time, we remain convinced that the costs of the ADR process will be less costly than litigation.

Another important element of the Resolution Framework is the opportunity for former students to participate in commemoration initiatives if they so desire. IRSRC has dedicated funds to commemoration as a way of honouring and paying tribute to all former students.

Investing now in resolving claims in a timely and effective manner will save taxpayers money in the long term.

The Government is pleased with the uptake and progress of the ADR process as we are where we forecasted when we launched the ADR process. We announced that applicants could expect it to take nine months from the time of application to a hearing. The first application form was received in December 2003 and the first hearing took place six months later in May 2004.

The Government is open to dialogue about ways to improve the ADR process to ensure we resolve the legacy of IRS schools in a meaningful way for former students. We are mandated by Ministers to review the National Resolution Framework in 2006.

Form Fillers

The underlying premise of the Alternative Dispute Resolution (ADR) process is to offer former students a choice about how to resolve their Indian residential school claims. The ADR is a voluntary process that offers a timely and alternative method to resolve claims of physical abuse, sexual abuse and wrongful confinement at Indian residential schools. If claimants choose to enter the ADR process, they need to complete and submit a detailed application form to Indian Residential Schools Resolution Canada.

The Government of Canada advises former students to hire a lawyer, however, claimants do have the choice to represent themselves. In fact, we have heard that some former students do not want a lawyer. Stakeholders have highlighted the requirement for the ADR process to provide basic support services to those former students who do not hire a lawyer.

Therefore, we are trying to identify neutral, objective Aboriginal service providers to assist former students in completing the application form. The types of services provided by form fillers include: explaining what questions the application form is asking; discussing generally how the ADR process works; and identifying counselling supports for follow up with the applicant. We have also been clear that this support does not replace the advice a lawyer could provide and is not intended to interfere in the relationship between former students and their lawyers.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

NORTHWEST TERRITORIES—NEGOTIATIONS TO CLEAN UP GIANT MINE

(Response to question raised by Hon. Leonard J. Gustafson on November 4, 2004)

Indian and Northern Affairs (INAC) continues to ensure that Giant Mine is safely and effectively managed to protect the health and safety of northerners and the environment.

A large amount of work has been invested in the creation of a thorough and effective remediation plan for Giant Mine. In the winter of 2004, INAC selected the Frozen Block method as the best alternative for the long-term management of the arsenic trioxide stored underground at the site. This decision was the result of more than four years of intensive research and public consultation. INAC is currently finalizing an overall remediation plan for the site. Once that remediation plan is complete and approved by appropriate levels of government, it will be submitted to a regulatory body. The implementation of the plan would follow regulatory approvals.

The remediation of Giant Mine involves a very complex set of issues, including shared jurisdiction and corresponding responsibilities between Canada and the Government of the Northwest Territories.

Renewed efforts are underway as we speak to negotiate a fair and reasonable solution that allows the remediation efforts to proceed. Senior officials from the federal government and the Government of the Northwest Territories have agreed to set aside the legal debate and are working to achieve a practical and fair agreement that will allow the project to continue to move forward.

There is a mutual understanding at this point that recognizes the importance of progressing with a remediation plan that effectively addresses both the surface and subsurface issues at Giant Mine, and is supported by both levels of government.

It is our goal to make significant progress on these negotiations by early in the new year. This is a high priority for the federal government. The work done at Giant Mine is an excellent example of this government's commitment to addressing federal contaminated sites and protecting the health and safety of northerners.

WATER QUALITY PROBLEMS ON RESERVES

(Response to question raised by Hon. Wilbert J. Keon on November 3, 2004)

In May 2003, the Government of Canada announced the First Nations Water Management Strategy, a comprehensive plan comprised of seven key elements designed to help achieve a clean and safe water supply for First Nation citizens. Indian and Northern Affairs Canada, Health Canada, Environment Canada, and First Nations are partners in this initiative.

Indian and Northern Affairs Canada has undertaken various activities to meet its objectives under the First Nations Water Management Strategy. In 2004-2005 alone, Indian and Northern Affairs Canada will spend \$255.1 million to improve drinking water quality. Of this amount, \$173.1 million will go to infrastructure, \$73.4 million to upgrade operations and maintenance, \$4 million for operator training, and \$4.6 million for other water management priorities, including the improvement of monitoring and reporting regimes. In the Government of Canada's February 2003 budget, \$600 million was identified for the First Nations Water Management Strategy (from 2003-2004 to 2007-2008). When combined with Indian and Northern Affairs Canada's A-Base funding for First Nation water, and Health Canada's contribution, this brings a total investment of \$1.6 billion over five years to the First Nations Water Management Strategy. In 2006, Indian and Northern Affairs Canada will undertake a comprehensive progress report to review the First Nations Water Management Strategy. The monitoring of the First Nations Water Management Strategy, in addition to the committed resources, ensures the government can proceed with confidence in achieving the collective goal of providing safe and potable drinking water to First Nation communities.

On September 28, 2004, a few of the Neskantaga (Lansdowne House) First Nation's members vandalized the water treatment plant. It was feared that they may have deposited chemicals into the community's water reservoir. Upon notification, Indian and Northern Affairs Canada immediately reacted and offered to provide five litres a day of bottled water to all residents of the First Nation for drinking and cooking purposes. This was beyond the allocation of two litres of water per day, per person, that is provided to "persons at risk" (i.e., elderly, infants, immuno-suppressed) that is normally provided under Boil Water Advisories. Under a Boil Water Advisory, the amount of two litres of bottled water provided per day, per person at risk, has been set by Health Canada.

On October 23, 2004, the emergency at the Neskantaga First Nation ended. Since a Boil Water Advisory is still required at the First Nation, the department is currently providing two litres of water per day, per person, not only to those at risk, but to every on-reserve person, until the testing can be completed by Health Canada.

With respect to the issue of washing the mould, bleach and water is no longer the recommended remedy for this problem; the use of soap and water is considered a safer solution.

ORDERS OF THE DAY

STATISTICS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-18, to amend the Statistics Act.

Hon. Gerald J. Comeau: Honourable senators, I would first like to acknowledge the work of Senator Milne and her legion of census patrons who have mounted an aggressive and capable campaign to have confidential census records made public. I do not doubt their sincerity and their belief in their campaign. I also do not dispute that census records are a valuable source of information to people who wish to trace their ancestry. One cannot be faulted with the desire to trace one's background and there is no doubt that open access to census records is valuable to historians.

I acknowledge the value of research data but, in turn, I would also like the proponents of Bill S-18 to recognize that parliamentarians do have a duty to consider the implications of legislative changes. My role is not to rain on their parade, but to express legitimate concerns. I ask to be given a fair hearing without being accused of not being a proud Nova Scotian.

The purpose of Bill S-18 is to repeal the secrecy provisions, section 17 and 18, of the Statistics Act, to allow for information in the census no longer to be confidential 92 years after the census is taken. Allow me to read into the record the relevant provisions of section 17 and 18 of the current Statistics Act which is to be repealed. The title of these two sections, written right into the act, come under the heading "Secrecy." Section 17(1) has the margin description, "prohibition against divulging information."

Section 17(1):

(a) no person, other than a person employed or deemed to be employed under this Act, and sworn under section 6, shall be permitted to examine any identifiable individual return made for the purposes of this Act; and

(b) no person who has been sworn under section 6 shall disclose or knowingly cause to be disclosed, by any means, any information obtained under this Act in such a manner that it is possible from the disclosure to relate the particulars obtained from any individual return to any identifiable individual person, business or organization.

• (1450)

Section 18 of the Statistics Act, also to be repealed, has the margin description, "Information is privileged." It reads:

18.(1) Except for the purposes of a prosecution under this Act, any return made to Statistics Canada pursuant to this Act and any copy of the return in the possession of the respondent is privileged and shall not be used as evidence in any proceedings whatever.

(2) No person sworn under section 6 shall by an order of any court, tribunal or other body be required in any proceedings whatever to give oral testimony or to produce any return, document or record with respect to any information obtained in the course of administering this Act.

Most of us in this chamber have probably at one time or another filled out a census form. I would like to read into the record the statutory promise written right on the census form itself. It states:

As Canada's national statistics agency, Statistics Canada uses census data for producing statistical tables, analytical reports and for selecting samples or following up responses for some of our surveys. These uses are strictly for statistical purposes and no one outside the agency can have access to your identifiable information.

Again, right on the form it says:

By law, Statistics Canada must take a census every five years and every household must fill in a census form. Also, by law, Statistics Canada must protect the confidentiality of the personal information you provide. Our employees, including census takers, are personally liable to fines or imprisonment should they break the confidentiality of your information.

This form is signed by Ivan P. Fellegi, Chief Statistician of Canada, who, we learned yesterday from Senator Milne, now supports the release, in spite of his signature on the form.

Further down the form it says:

Confidential when completed.

The last page of the census states:

The law protects what you tell us.

The confidentiality of your census questionnaire is protected by law. All Statistics Canada employees have taken an oath of secrecy. Your personal census information cannot be given to anyone outside Statistics Canada — not the police, not another government department, not another person. This is your right.

Your census questionnaire will be retained in accordance with legislative requirements and will be stored securely.

In spite of all of this clear, concise, unambiguous wording, Minister David Emerson, in his promotional package forwarded to us, states:

This enactment will remove a legal ambiguity in relation to access to census records for the period 1911 to 2001 inclusive and to future census records starting with the 2006 Census.

In spite of what we see in the act and on the census forms, Minister Emerson says it is quite ambiguous as to whether or not this information was protected.

Minister Emerson admits in the promotional package that:

Justice Gibson of the Federal Court in his June 25, 2004 decision ruled that the care and control of the 1911 Census rests with the Chief Statistician. Furthermore, Justice Gibson suggested that the balance between privacy rights of Canadians and public access was a policy matter for the government to address.

The court ruling means that the government needs us — parliamentarians — to authorize the release. The purpose of Bill S-18, therefore, is to break the promise of confidentiality made by our predecessors — a promise made to our grandparents, parents, and to us in more recent years.

The U.K. and the U.S. are often cited as countries where the census is released after a certain number of years. This is true, but there was no legislative promise to keep them permanently secret. The citizens of these countries knew what the stakes were when they responded to the census.

Proponents of this bill also argue that those who responded 92 years ago have raised no complaints. There is little doubt that most of these people are deceased or too old to follow this debate, but it is a rather disrespectful argument to be making at this point. Should one's right to privacy be disrespected because one is dead, old or sick?

For those honourable senators who may not be aware, I would like to draw attention to certain questions in the 1911 census regarding family members. This is one reason we should consider seriously before opening up this census. This was a different age.

One question was: Is the person deaf or dumb? This census was taken by neighbours who visited houses and wrote down their impressions of the people there. Other questions were: Is the person crazy or a lunatic? Is the person idiotic or silly?

As I say, that was a different age, but if we do pass this bill, we will be able to access those old census forms and find out if Aunt Matilda was in fact silly. That information would be right in the census form. We always thought she was a little bit batty, but now we will know for sure.

Other questions on the census form at that time included: Name your race or tribal origin and religion. Your tribal origin? Give me a break.

Senator Joyal raised the issue yesterday of such information getting into the wrong hands and Senator Milne responded, quite rightly, that one's religion is irrelevant after 92 years. However, if we are breaking the promise after 92 years, why not break it in a few years, after ten years or five years? What is stopping us at that point? How will the people who come after us act once we have established the principle that promises can be broken?

Further to the concerns stated by Senator Joyal yesterday, I would like to read excerpts from an article in *The Boston Globe* of November 10. The article is entitled "Census official seeks to reassure rights groups on privacy concerns." This is very important. The subtitle is "Arab-Americans data was shared." It reads:

Census officials sought to reassure minority and civil rights groups yesterday that the agency keeps names, addresses, and other personal information confidential from other government departments. Some critics remain skeptical.

Further on it says that the Census Bureau shared population data with the Homeland Security agency. Officials at the headquarters said that if there is any perception that this kind of information is shared, it can be an extreme problem to the bureau. It goes on further to say:

But hearing that data are being shared with an agency like Homeland Security's customs bureau "scares people the most" and may lead some to stop answering census surveys...

Confidentiality of census data is of paramount importance...

Further on it says:

Arab-American groups contend that the information sharing undermined the public's trust in the Census Bureau.

The article really speaks for itself.

The Chief Statistician of Canada finally gave up the fight to maintain the confidentiality provisions of the census, and this is understandable. The government has twice tabled a bill to break the promise. Justice lawyers have reversed themselves completely in their legal advice and now apparently suggest that the legislative confidentiality promise might not stand up in court.

Honourable senators, there are no voters in cemeteries, and therefore Minister Emerson, like his predecessor, issued a press release in support of breaking the promise. What else could the Chief Statistician do? Given that reality, the Chief Statistician is no doubt trying to salvage an illusion of credibility of the confidentiality promise. He hopes that the consent provisions of this current amendment whereby Canadians can request that future censuses not be divulged without their consent might encourage Canadians to keep faith in the credibility of the census.

He is dreaming in technicolour, honourable senators. Once we establish the principle that a promise of confidentiality is only as good as the current crop of parliamentarians, can we expect Canadians to believe in other false promises?

Parliamentarians should be mindful that the Chief Statistician's concern is not with the impact on our image as breakers of promises. His concern is with the impact that this breach will have on the integrity of future census data. Will Canadians respond truthfully and helpfully if legislative promises of confidentiality are worthless?

• (1500)

To use an analogy, imagine the credibility that an official of the witness protection program would have if parliamentarians were to start fooling around with the secrecy and confidentiality of that program. Similarly, are we not damaging the Chief Statistician's primary public policy tool, namely, the promise of privacy?

There is no question that Parliament is, supposedly, supreme. We can retroactively break promises whenever we want; but do we want to? I am the product of a time and a culture in which one's promise is considered sacred, even the promise of a politician. Senator Milne stated yesterday that she had been informed that the current Privacy Commissioner apparently now supports breaking the promise. We should seek to learn why she has taken this position.

The previous commissioner, however, had problems with the implications of this bill. Unlike the Chief Statistician, his concern was not with the negative consequences of broken parliamentary promises, but rather with the impact on the privacy of Canadians.

I look forward to learning how the current Privacy Commissioner can both protect privacy and yet support breaking a promise of privacy. If she supports the release at 92 years, would she support the release at 90 years, or 50 years, or 20 years? Where does she draw the line? These are the types of questions to which our Privacy Commissioner needs to respond, if

in fact the person who reported to Senator Milne was correct in saying that the commissioner now supports the release of this data.

The Department of Justice could not care less whether we break our promise. Their interest is in making certain that Parliament passes amendments that will legally absolve the government of the breach of faith.

Obviously, family historians would have no cause to be concerned with the negative implications of parliamentarians breaking promises.

Therefore, it is up to us, as parliamentarians in this chamber, as well as those in the other chamber, to assess the consequences of breaking our legislative promises to Canadians.

We wonder why Canadians do not trust parliamentarians. Would we not somehow feel violated if our doctor suddenly decided that our private medical files are to be opened to the public? Would we not feel violated if our lawyer started breaking client confidentiality, or if our priests started to break the silence of the confessional? Why should we hold ourselves to a lesser standard of trust than doctors, father confessors and lawyers? Why should we accept that our promise is only as good as the current group sitting in this place today? Why is it that our promises are not worth the paper they are written on?

The premise of Bill S-18 is that your privacy dies with you, but this bill goes way beyond breaking promises made to the dead. In fact, as of 2001, there were 77,000 Canadians aged 92 and over who were still living when their census was released. Furthermore, this bill breaks the promises to all Canadians living today who have ever filled out a census return.

Bill S-18 provides withholding consent to future census returns. However, this withholding consent is worthless if we establish the principle that parliamentarians can break promises at will and simply retroactively break the consent provisions in the future. Why else would we be reviewing this provision over the next few censuses, which is written right into the law and which is proposed in the package sent to us by Minister Emerson?

Furthermore, the consent provisions for censuses after 2005 may be quite difficult to administer. Only if consent is given would the person's information be transferred to the archives after 92 years. However, it is typical in most dwellings for only one person to complete the form for the entire household, raising questions as to who had and had not given consent to either release or not to release. The one signing the form is signing on behalf of others.

Lawyers from the Department of Justice are now of the view that the legislative promises of confidentiality under the current Statistics Act might be broken by the courts. This is the same group of lawyers who provided legal advice to the government on the Pearson bill in support of taking away citizens' rights to their day in court. It is the same group of lawyers who joined Allan Rock in an eight-year political vendetta against the former Prime Minister. Their track record leaves a lot to be desired.

Honourable senators, should we roll over and accept the Justice Department's opinion that the courts can break our parliamentary promises? Is this the pitiful excuse we offer for our breach of trust? Are we, as parliamentarians, ready to accept that judges are so powerful that we have to cower before them and break our word because these judges might make us do it? Are they so much above Parliament that this is what we have come to? Will we say, "The judges made us do it"? I would suggest not.

I read the confidentiality declarations earlier. There is no room for doubt at all. If Department of Justice lawyers now suggest that the wording in the act was not sufficiently clear, then let us make it so. Let us not hide behind the fear that the courts might misinterpret the meaning of confidentiality and cause us to cower under their watchful gaze. If we as parliamentarians want to break the promise to Canadians, let us not do it meekly and blame the courts. Let us do it out of conviction.

For those of us who may not have reviewed the testimony at committee when we last looked at this bill, allow me to quote from a few comments made by some of the experts.

The previous Privacy Commissioner said:

This bill, if passed, will violate a promise repeatedly made to Canadians by successive governments and eliminate existing privacy rights retroactively.

He went on to say:

For censuses taken after 1918, there is neither ambiguity nor inconsistency. The 1918 Statistics Act stated explicitly that the material would be kept confidential. That prohibition has been repeated in every Statistics Act since.

Still quoting from the testimony of the Privacy Commissioner:

Breaking the promise of confidentiality made to Canadians could seriously erode public trust in undertakings made by the Government of Canada. Some people might say that the promise of confidentiality will still hold for 92 years after the census. However, the rest of us might well wonder. If a commitment made in perpetuity can in fact be broken after 92 years, what makes 92 years such a magic number? Might a future government next time break promises after 50 years or 25 years or 10 years?

In referring to Canadians, the Privacy Commissioner said:

We have always been able to assure them that the government has undertaken to respect the confidentiality of their answers and that Statistics Canada has a very good history of protecting confidential information.

We will not be able to give any more such assurance in the future if this bill, as it is presented, is passed.

If people cannot trust that confidential information will remain confidential, they will lie. Wouldn't you? It is common sense.

...I believe that privacy will be the defining issue of this decade.

Let me refer to the Chief Statistician, who said:

Would I be more comfortable as Chief Statistician if the aspect of confidentiality was protected forever? Of course, I would.

He went on to say:

The compromise goes as far as I dare to go. No one knows how the public will react. However, what I do know is that trust is a very fragile commodity. This is as far as I dare to go. Am I concerned? Yes, I am.

Honourable senators, I am not making up these remarks. They are on the record and you can check them, should you choose to do so. It is in the testimony of the committee in the previous Parliament and these are the professionals. These are the recommendations and comments that they made at that time.

Where will our disregard for privacy end? Which files will be opened next? Will it be student loan applications, application information for immigration or refugee status, EI benefits, passports, jobs, firearms licence applications, income tax or pardons? Where will it end?

• (1510)

The fact that legislation is needed to break the promise is evidence that the promise was in fact made, if any further evidence should be needed. The government needs our approval. To absolve itself from breaking the promise, the government needs Parliament's permission. The government might well be open to libel if it did not have this permission from us.

Honourable senators, I can understand that some may not share my passion for keeping promises, legislative or otherwise. The release of private and confidential information, in their view, may be more important than keeping our word. However, I should like to remind honourable senators that statistical information is only as good as the information that is gathered. I fear that many Canadians, when they become aware of this bill, will provide information as worthless as our promises. Do we not invite false promises to our false guarantees? I would urge honourable senators to carefully consider the consequences.

It is true that a well orchestrated lobby has been mounted to seek your support. The proponents are articulate, and their commitment is strong. I know, since I have been on the receiving end. I also know I am not popular with this very articulate group of historians and genealogists. Also, little opposition has been shown to this bill. I wonder, however, how Canadians will react when they eventually find out what is actually at stake here. What will happen when Canadians learn that this is not only breaking a promise made to dead people but also breaking a promise made to those still living today? Will they accept and forgive?

This bill is not necessary to provide access to legitimate users. A compromise had been made whereby access could be provided to families of deceased census respondents and responsible historians. I believe it was mentioned yesterday that some people would like to be able to access these files in order to find out if there is any kind of medical situation in their history, and I think an honourable compromise had been offered. However, this was rejected out of hand.

The current legislation could also mimic what is extant in the United Kingdom and the United States. However, the U.S. and the United Kingdom did not make promises that their information would be kept in confidentiality forever. The people who signed those documents, therefore, knew exactly where they stood and thus this question of confidentiality does not arise.

These compromises were rejected out of hand, and it was all or nothing, resulting in this current bill. I would urge honourable senators to seriously consider the stakes when we start fooling around with retroactive legislation. There was no "best before" date when the Statistics Canada Act was enacted. Unlike milk, our promises should not sour with time. Do we really want to be parties to breaking our faith with Canadians? Could we, as parliamentarians, ever hope to expect or have the trust of Canadians with our word in the future? I will let you be the judge.

Hon. Lorna Milne: Would the honourable senator accept a question?

Senator Comeau: Absolutely.

Senator Milne: My question is in the form of a letter that I received from Dr. Fellegi this morning. I wonder if the honourable senator would like to hear what is in the letter.

Senator Lynch-Staunton: That is not a question.

Senator Milne: It is not long.

Senator Comeau: That is not a question.

Senator Milne: The answer to the question can be no.

Senator Comeau: No. This is work for the committee. If Dr. Fellegi wants to swallow himself whole, as I said yesterday, or has thrown in the towel, fine, by all means. He is an employee of the Government of Canada. He obviously knows who signs his cheques at the end of the week. Let us get this to committee.

Senator Milne: Very well, I will move that this bill be —

Hon. John Lynch-Staunton: Just a moment. I would like to move the adjournment of the debate.

On motion of Senator Lynch-Staunton, debate adjourned.

TAX CONVENTIONS IMPLEMENTATION BILL, 2004

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Adams, for the second reading of Bill S-17, to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion.

Hon. John Lynch-Staunton: Honourable senators, I do not have anything to add to what Senator Harb has already said about the content of the bill itself. It is a bill that is intended to continue the policy of signing tax treaties with various countries, and that by itself is certainly commendable, as the purpose of these tax treaties is to prevent double taxation and, we hope, establish mechanisms to stop tax evasion.

I want to remind the honourable senator and others that for several years now, some of us on this side have certainly felt uncomfortable with officials dealing with countries known more for their abuse of human rights than for protecting them. These concerns were last raised when the Banking Committee, two years ago, studied a similar bill also entitled Bill S-17, which was the last tax treaty tabled in Parliament before this one. The then Parliamentary Secretary to the Minister of Finance agreed at that time to share government studies of human rights in countries subject to future tax treaties. I very much regret — and I hope that others share this regret — that this commitment has not been kept. An attempt to explain its dismissal by pleading changes in senior parliamentary positions following an election is just not acceptable, because the issue is too important to be treated in this way.

I should like to make a plea here to the government and to the Chairman of the Standing Senate Committee on Banking, Trade and Commerce, to which, I assume, the bill will go, that the committee take it upon itself to call as witnesses officials responsible for tracing human rights activities internationally so that the Senate can get a better appreciation of the policy which sanctions agreements of any kind with countries that violate fundamental human rights.

I know this brings up the old argument of business and trade versus human rights. Some claim it is like comparing apples and oranges. On the other hand, if Canada, as a leading proponent of human rights around the world, is willing to enter into agreements with countries whose record is just abominable, its concern can seriously be challenged, because it might be diluting its commitment by abandoning certain principles for immediate business gain.

Those are my comments, honourable senators. I urge that witnesses along the lines that I have suggested be called so that we can thrash this out and hopefully get some assurance that my concerns are poorly based.

Senator Robichaud: Question!

The Hon. the Speaker: I will put the question. It was moved by the Honourable Senator Harb, seconded by the Honourable Senator Adams, that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Harb, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

• (1520)

[Translation]

CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED—SPEAKER'S RULING

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Comeau, for the second reading of Bill S-13, An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).—(*Speaker's Ruling*)

The Hon. the Speaker: Honourable senators, On Thursday, November 4, Senator Murray raised a point of order during second reading debate on Senator Oliver's Bill S-13, which seeks to introduce an election process for the offices of the Senate Speaker and Deputy Speaker as well as provide the Chair with a casting vote in instances where there is a tie. Without being definitive about his position, Senator Murray asked for a ruling to clarify whether Royal Consent was required for this bill.

[English]

Following a request from Senator Kinsella, the Leader of the Opposition, to provide some explanation to support the point of order, Senator Murray then cited section 34 of the Constitution Act, 1867, which states that the Governor General may from time to time, by instrument under the Great Seal of Canada, appoint a senator to be Speaker. In Senator Murray's view, the election of the Speaker would remove a prerogative now exercised by the Governor General and turn it over to the Senate.

Senator Austin, the Leader of the Government, then intervened to support the request for a ruling. Senator Joyal spoke next to suggest that based on previous rulings of the Speaker when confronted with a point of order respecting the possible need for a Royal Consent to a bill, the point of order need not impede debate since the chair is not required to provide a ruling until the vote for third reading. This position was subsequently supported by Senator Stratton, the Deputy Leader of the Opposition.

After some brief exchanges relating to the election of the Speaker of the House of Commons, Senator Cools also spoke about the recent rulings on Royal Consent in the Senate. Senator Cools explained that it has been the consistent position of the Speaker, as expressed in several rulings, that Royal Consent can be given at any time during the proceedings, and that a bill is not rendered defective for want of Royal Consent at second reading, nor does it impede debate on the bill. Senator Kinsella then cited some decisions from *Rulings of Senate Speakers, 1994-2004* that confirmed this assessment.

[Translation]

Once the arguments had been made, the Speaker *pro tempore* agreed to take the matter under advisement. Since then, I have had time to read the exchanges on this point of order, consult the relevant procedural authorities, and review the recent rulings that

have been made in the Senate on Royal Consent. I am now prepared to give a ruling.

[English]

The issue of whether Royal Consent is required for this bill is not new. It has been raised in debate with respect to prior versions of this bill, on September 30 and October 21, 2003. No ruling, however, was actually sought or made at that time.

Royal Consent is a feature that has been incorporated into our parliamentary practice from Westminster. As is stated in Marleau and Montpetit, *House of Commons Procedure and Practice*, page 643:

Royal Consent...is taken from British practice and is part of the unwritten rules and customs of the House of Commons of Canada. Any legislation that affects the prerogatives, hereditary revenues, property or interests of the Crown requires Royal Consent, that is, the consent of the Governor General in his or her capacity as representative of the Sovereign.

In the 23rd Edition of Erskine May's *Parliamentary Practice*, the Royal Prerogative is described as being

...powers exercisable by the sovereign for the performance of constitutional duties...

This is found at page 708. Many of these prerogatives, in turn, have been vested, as Dicey explained in his study of the Law of the Constitution, in the office of the Governor General.

[Translation]

Both the Canadian and British authorities explain the consequences of failure to signify Royal Consent for a bill requiring it in a similar way. Erskine May at p. 710 states:

If Queen's consent has not been obtained or is not signified, the question on the relevant stage of a bill for which consent is required cannot be proposed. Similarly, where a bill affecting the interests of the Crown has been allowed, through inadvertence, to be read the third time and passed without the Queen's consent being signified, the proceedings have been declared null and void.

[English]

Erskine May goes on to explain that the Queen's consent involves the willingness of the Crown to place its prerogatives or interests at the disposal of Parliament for the purpose of the bill.

There is an element to this procedure that is very much *pro forma*. In the United Kingdom, at least, it would appear that the government will invariably provide the consent even to bills of which it disapproves. As Erskine May explains:

The understanding is that the grant of consent does not imply approval by the Crown or its advisors, but only that the Crown does not intend that, for lack of its consent, Parliament should be debarred from debating its provisions.

As was noted, one objective of Senator Oliver's bill is to amend section 34 of the Constitution Act, 1867, by providing for the election of the Senate Speaker by secret ballot. This would effectively extinguish the authority of the Governor General to appoint the Speaker. Such an action clearly affects the prerogative power exercised by the Governor General. Accordingly, it seems to me appropriate that Royal Consent be obtained for this bill.

A review of Senate practice, as decided in recent rulings by both my predecessor, the late Senator Molgat, and myself, clearly show that the requirement for Royal Consent need not be signified in both chambers. In fact, in most precedents, consent was signified in the other place only. There are a few notable exceptions to this, one being in 1951 and two others of more recent date. As honourable senators will recall, the Senate was advised of Royal Consent to Bill C-10, the Clarity Act, in the second session of the Thirty-sixth Parliament and Bill S-34, the Royal Assent Act, in the first session of the Thirty-seventh Parliament. Further, the Senate rulings by the chair show that the requirement for Royal Consent is not an impediment to debate since it need only be given before final passage of the bill. There is no reason for me to dispute either of these assessments.

To clarify the point raised by the Honourable Senator Murray, Royal Consent will indeed be necessary. It will not, however, prevent debate on second reading from continuing.

Hon. Donald H. Oliver: Honourable senators, I would move that this bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs for further study.

Hon. Lowell Murray: What about reading it first?

The Hon. the Speaker: Yes, I will come to this in a moment. No senators rising to speak to the bill, I then ask, are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Honourable senators having indicated they are ready for the question, I will put it.

It was moved by the Honourable Senator Oliver, seconded by the Honourable Senator Comeau, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Oliver, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[The Hon. the Speaker]

• (1530)

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Madeleine Plamondon moved the second reading of Bill S-19, to amend the Criminal Code (criminal interest rate).

She said: Honourable senators, Bill S-19 has two objectives. The first objective is to review the criminal interest rate currently set at 60 per cent in the Criminal Code, which has not changed since 1981. The second one is to change the definition of "interest" in paragraph 347(2) of the Criminal Code. In my opinion, it is essential that the criminal interest rate be brought down to a realistic level and that the charges actually paid by the borrower be taken into account.

Let us start by taking a look at how interest rates, usury and, finally, the legislation came to be. In the past, money represented a medium of exchange, and no interest was charged on loans. No community or culture used this practice. In time, interest started to be charged, and the rates increased to the point of becoming plain usury.

Usury is the act of lending at interest at an excessive rate, as compared to the financial norm. It then became necessary to take legislative action. One of the first pieces of legislation respecting interest and usury was passed in England in 1571. In Canada, the first Interest Act was enacted in 1777, setting the maximum interest rate at 6 per cent. This act evolved to become the Interest Act as we know it today.

Section 2 of the current Interest Act recognizes the freedom to contract and the right to agree on any rate of interest, while section 3 provides that, when no rate is specified in the contract, the maximum rate is 5 per cent.

I am all in favour of the freedom to contract, but this freedom to contract is no reason to abuse it. In fact, it was in that spirit that, during the 20th century, the lawmaker intervened, first in 1906, then in 1939 and, most recently, in 1981, to try to limit abuse viewed as criminal.

The legislative intentions for curbing abuse are as valid today as they were in 1906. The same intentions have motivated every subsequent piece of legislation, while taking into account the fiscal context at the time.

[English]

The legislators' intention to limit abuses, which was conveyed by the 1906 legislation and subsequent measures, is still very relevant today.

[Translation]

In fact, an excerpt from the preamble of the 1906 act clearly indicates the objective sought, namely to protect inexperienced and abused borrowers. The preamble reads in part as follows:

Whereas on the part of some money-lenders a practice has obtained of charging exorbitant rates of interest to needy or ignorant borrowers, and whereas it is in the public interest that the transactions of money-lenders should be controlled by limiting their rates of interest...

This is the preamble that provides protection to borrowers. As we can see, the 1906 act, and those of 1939 and 1981, all seek the same objective. A maximum rate is set and the various costs assumed by the borrower are taken into consideration in order to protect him.

Today, in 2004, the situation is not the same as it was in 1981. As honourable senators may remember, in 1981, the central bank rate was headed for historical highs. The legislator then decided to repeal the Small Loans Act of 1939, which had become obsolete. At the same time, it adopted section 305.1, now section 347 of the Criminal Code, which I want Parliament to amend. This section sets the criminal rate at 60 per cent. It must be understood that when section 347 came into effect, on April 1, 1981, the Bank of Canada rate was at an exceptionally high level, reaching a maximum of 21.03 per cent in August. Today, the rate is at 2.5 per cent, exactly the same as in 1939. You will agree with me that this criminal rate of 60 per cent is really out of proportion now. Therefore, it is important to review it, because it leads to abuse.

The discussions and testimonies heard by the Standing Senate Committee on Banking, Trade and Commerce during the review of the legislation in 1979 and 1980 show that traditional lenders no longer wanted to grant loans of less than \$1,500, because they did not make a profit. The tightening of credit criteria had the effect of making some borrowers turn to finance companies that were charging high interest rates. In 1981, we legislated the criminal rate to eliminate abuse and protect consumers. The relevant section included provisions to prosecute criminals and avoid the problems associated with these criminal activities.

Professor Ziegel referred to the matter of charging usurers in his commentary on the bill. He indicated that the rate was determined after consultation with the Montreal Police Department.

Today, as 2004 winds down, we are very far from the context of 1981 from a number of points of view. The amendment I am proposing to section 347 will make it possible to keep its application up to date. It also addresses the total real cost of a loan. The calculation of interest must include the cost of insurance paid by the borrower, because mandatory insurance has become a major component in credit costs.

This is, moreover, the approach used in the various laws in Canada that relate to disclosure of the real cost of a loan to the borrower. A typical example of this is the case of a person in my region. He borrowed \$4468.09 in 2002 for a period of 48 months. This will end up costing him \$10,491.36. The interest rate given on the contract is 35.99 per cent, but is in actual fact 50.63 per cent once the cost of mandatory insurance is added in, along with the interest paid on that insurance. The Bank of Canada central bank rate at the time he signed the contract was 3 per cent.

The cost of credit absolutely must include the cost of insurance. I will use Quebec as an example of what I mean by the cost of credit. Its Consumer Protection Act describes the costs of credit as credit charges which include insurance premiums. Other jurisdictions in Canada also include other costs in the cost of credit.

• (1540)

That is the most logical and the most usual way to consider the cost to the borrower. To state things simply and referring to Alberta's law on this principle, the cost of credit is the difference between the value paid by the borrower and the value received. Alberta also includes the cost of insurance among the various costs taken into consideration in calculating the value paid.

Let us now look at a related issue, the indebtedness of Canadians. While interest rates are low at the moment, we are seeing an increase in the debt levels of Canadian households. The household debt ratio is at its highest level, around 106 per cent of income. In a telephone call this morning, someone from a Montreal consumers' group said that it was around 115 per cent.

In a recent study, the Vanier Institute of the Family reported that a growing number of households live on the edge of financial disaster. Other studies have confirmed this over-indebtedness of Canadians.

This is a very disturbing situation. In my opinion, it may lead to disaster because interest rates will not remain at the current level. Even a tiny increase in the mortgage rate may lead some households to a financial disaster. If mortgage rates increase, payments will be higher, and there will be less money available for other expenses, and after that, there are some who, reaching their credit limit, will turn to high-interest loans although their ability to repay is already stretched to the limit.

[English]

Despite current interest rates in the mainstream financial sector, access to credit at a sensible rate is far and away from being available to everyone.

[Translation]

Banks are not very interested in providing small loans. Many consumers who do not have a credit card or a line of credit have to turn to finance companies. Others resort to alternative, short-term credit with very high interest, as high as 60 per cent. The situation is clear: we must act in order to protect the growing number of people who are unable to access regular credit channels. However, I must mention an initiative by the Caisses Desjardins in Quebec. The Desjardins Group has started up a self-help fund, in conjunction with consumer groups that provide budgeting advice and follow-up. The average loan made is \$548, often interest-free, and 92 per cent of people pay back their loans, which is excellent in risk financing, according to a Desjardins spokesperson. I am told of similar experiences in Vancouver and Toronto. These initiatives are commendable, but do not cover all the needs or every region in Canada.

In passing Bill S-19, we are following in the footsteps of our predecessors, who were concerned about abuse by lenders. Let us follow their example because by maintaining the status quo, we are contributing to a situation that has become a cancer for many low-income people. In addition to indebtedness, there is another phenomenon which signals the current unhealthy situation: the growing number of class action suits filed over the past few years in Canada targeting the high interest rates. The institutions targeted are alternative credit companies and credit card companies affiliated with major chain stores.

Class action suits have been filed in British Columbia, Quebec, Ontario, Newfoundland and Labrador. These suits condemn the exorbitant cost of credit. Why leave the entire decision to a judge when we know full well that a 60 per cent interest rate is unrealistic? This criminal interest rate has given rise to an entire alternative credit market. From 1994 to 1999, the number of pledge loan institutions in Montreal went from 50 to 200. The leading alternative credit company in Canada stated in its annual report in 2003 that it had 290 offices across the country and covered 60 per cent of the market.

In 1997, we learned from the Association des corporations financières de Montréal that its members were serving 1.7 million clients. According to a study conducted in Winnipeg, the number of institutions involved in alternative credit in the United States went from 2,000 in 1986, to close to 19,000 in 2002. In Winnipeg, according to that same study, the number of institutions cashing cheques and lenders collecting on pay day went from 3 in the year 2000, to 33 in 2003. In 2002, there were 33 pawnbrokers doing 8,750 transactions per month. According to the same study, it is less fortunate people who do business with alternative credit institutions.

As senators, we represent all these regions. One of the conclusions reached by the research group that looked at the experience of people who use alternative credit in the region north of Winnipeg is that they quickly get deeper into debt. It is not favour to them, considering the high rates and fees demanded. This debt load leads the person into a spiral of debt and poverty from which he cannot escape. Maintaining the current criminal rate encourages such institutions to go up to the limit set by the provisions of the Criminal Code.

To give ourselves points of comparison, let us examine at what level the criminal interest rate is set in other jurisdictions. This comparison is another argument convincing me that what I am proposing is right. In California, the interest rate for personal loans must not exceed 10 per cent. In Florida, the rate is 18 per cent and, in Texas, between 18 and 28 per cent, depending on the loan category. In New York, the criminal rate is 16 per cent in civil cases and 25 per cent in criminal cases. You can see that we are far from these examples with our 60 per cent. The same in Europe: Canada sticks out just as much. In France, the rate is 20 per cent, and 85 per cent for a small loan; in Italy, it is 19.28 per cent, and in Germany, 17.4 per cent.

In conclusion, in Canada, we must preserve the freedom to contract while at the same time protecting consumers against abuse. We need regulations suitable to the current financial context, maintaining a 35 per cent difference between the Bank of Canada bank rate and the criminal rate. This way, no matter what happens to the bank rate, there is fairness and equity for all.

We are taking into account the increasing uneasiness across Canada, the class actions showing that Canadians have had it with being charged rates which they perceive to be criminal, the provincial laws which factor in all that consumers have to pay to get a loan, courts decisions, the debt load of Canadians, the aggressive advertising for credit loans and the explosive growth of alternative lending institutions. In fact, in 2001, the federal government legislated on the borrowing rate under the Bank Act, and included the disclosure of insurance costs.

The time has come not only to disclose these costs but to factor them into the interest rate. Section 347 of the Criminal Code has not been reviewed in 23 years. The time has come. The Senate is here to speak for those who do not have a voice. Will we be up to the task for the thousands of citizens who are counting on us, and on you?

On motion of Senator Rompkey, debate adjourned.

• (1550)

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND REQUEST FOR AUTHORITY TO ENGAGE SERVICES—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Energy, the Environment and Natural Resources (budget—study on emerging issues related to its mandate—power to hire staff) presented in the Senate on November 4, 2004.—(*Honourable Senator Banks*).

Hon. Tommy Banks moved the adoption of the report.

Motion agreed to and report adopted.

THE HONOURABLE RICHARD H. KROFT, C.M.

TRIBUTES—INQUIRY

Hon. Tommy Banks: I rise to call the attention of honourable senators to an important missing voice — the voice of the Honourable Richard Kroft, who has left us. When I first came to the Senate I was thrown into a confusing sea and asked to swim. It was thus for a long time on every issue that arose until, in each instance, a voice rose up and made sense of it all, even to me at the beginning. The voice of Richard Kroft always made sense to me, no matter the issue.

Later, as I became less ignorant but never entirely understanding of the procedures of this place, I actually began to get my oar in the water. The rest of us, it would seem to me, would be floundering about, roiling the waters and making incremental progress, if any, not just in this chamber but also in caucuses and in committees. Then, a voice would speak up. It was a voice of calm assurance and certainty, one of careful reasoning. Then, with a crystal clarity, the question, the options and the course of direction that needed to be taken became clear, I think, to all honourable senators.

I came to rely as a matter of course on that voice and on the many unfailing courtesies on the part of the man whose voice it was. Since September, I have missed that voice a great deal. It is a voice that all in this chamber have missed but will be long remembered here, Richard.

Hon. Jeremiah S. Grafstein: Honourable senators, I first encountered Richard Kroft in Ottawa almost four decades ago in 1965 when I came to serve as John Turner's executive assistant. John Turner then was the most junior minister to the Pearson government. Richard, on the other hand, was the lofty executive assistant to the powerful and most senior Minister of Finance, the Honourable Mitchell Sharp. In those days, Richard — always called Richard and never by a diminutive of the name — was ever elegant and suave. He sported a graceful pipe, which was allowed in the halls of Parliament in those days, and was clothed in immaculate English-cut jackets. He spoke in quiet, measured tones, befitting all the magisterial sounds that emanated from a Mandarin minister's layer. Always debonair, Richard came from a most distinguished Winnipeg family whose father and mother held august positions in the Winnipeg Liberal establishment. His family was multitalented. I, on the other hand, was a rather green, inexperienced, impatient, political activist from the streets of Toronto, ever-anxious to change the world. Despite our differences in approach, we always shared one common political objective, to further the policies and principles of the Liberal Party, and so we became fast friends and confidants.

Now, while Richard was a loyal member of the Sharp-Chrétien circle, I became successively a member of the Keith Davey crew, the Turner clan and then the Trudeau tribe. When Richard was finally summoned by Mr. Chrétien to serve in this chamber some six years ago, I asked him what had taken him so long. It did not take Richard long to catch up. He rose swiftly through the Senate ranks to hold the position of Chair of the Standing Senate Committee on Banking, Trade and Commerce, which I now hold. Although we disagreed on measures from time to time, especially the role of the Senate in the clarity bill, Richard was always sound and considerate in all of his views.

We will miss his wise counsel but are consoled by the fact that now that he has been liberated from the travails of the Senate, he will speak up freely and wisely in Canada's interests in the future as he has done so ably in the past.

I extend to him safe passage as he returns to the arms of his wife, Hillaine, to his wonderful and talented family and to the tranquility of private life. No doubt we will hear words of wisdom from Richard in the future.

Finally, honourable senators, I confess that Richard and I share a deep, dark secret — a love of Winnipeg. My daughter-in-law and the mother of my three grandsons was born and bred in Winnipeg. I have observed that the wind and the cold at Portage and Main has enlarged the warmth in the hearts of all Winnipeggers. We are so grateful to share the warmth of Richard's friendship.

Hon. George J. Furey: Honourable senators, I would like to offer a few words of farewell to our colleague and friend, Richard Kroft. Richard came to the Senate in 1998 and distinguished himself while he was here with his balanced, thoughtful and

practical appreciation of the public issues that we all face during our time here. It is in the nature of the Senate as an institution that we are continuously faced with changing membership. Richard Kroft spent six years here and during that time he contributed significantly to the well-being of our institution and, indeed, to Canada at large.

While in the Senate, he contributed extensively to issues on the Standing Senate Committee on Banking, Trade and Commerce. I was both happy and privileged to serve with him on this committee and to have heard his views on corporate governance and ethics. Hearing what Senator Kroft had to say about Enron and other corporate ethics matters gave me a greater appreciation of the issues facing our modern corporate world. His appreciation was developed, no doubt, over his many years as a corporate director, investment fund manager and chair of numerous associations. I am especially regretful that the Senate is losing a person with this kind of experience. It seems to me that the role of the Senate is to leaven public policy debate with comments and attitudes from just such people as Richard Kroft.

While we are all aware of the many public service roles that Senator Kroft filled over the years, from the Jewish Foundation of Manitoba, the Royal Winnipeg Ballet, the University of Manitoba, the Pan Am Games and, indeed, even the Winnipeg Jets, it would appear that after his brief period in the Senate he will be back deeply involved once again in those core community-building activities. We wish him luck.

Richard, our very best wishes to you, Hillaine and your family.

The Hon. the Speaker: Honourable senators, it being Wednesday, we are subject to an order of the Senate such that I leave the chair at four o'clock if we have not adjourned by that time. I have another senator on my list under Inquiries. Is it your wish that I not see the clock for one additional intervention?

Hon. Senators: Agreed.

Hon. Joyce Fairbairn: Honourable senators, I rise to say farewell to someone whom I have admired for many years. Senator Grafstein, others in this chamber and I go back decades on Parliament Hill. I remember when we were all young and enthusiastic. I remember Richard serving quietly and carefully, and with great skill, ministers of former administrations. I, however, did not really know Richard as an individual and friend until he came to this chamber about six years ago. Senator Spivak noted today that he was the absolute picture of elegance and class in Winnipeg, and he certainly has been here in this chamber and in Ottawa as well.

• (1600)

The thing that really touched my heart about Richard was the maiden speech that he made in this chamber. As a Westerner myself, it struck me as almost the kind of thing students should read in school. He came here with all the intentions that we all do, that we want to make a contribution and we are delighted to be

asked. However, he came here for another reason, too, because as someone who lived west of the Ontario border, he had a tremendous desire, if not a sense of mission, to create a better understanding of that region we call Western Canada.

Now, I would be more inclined to be found, as His Honour knows, in a Stetson and boots, but I think that Senator Kroft managed to get his message across in many ways that were perhaps understated. Certainly, by his very presence here, he exuded a sense of being a worthwhile, intelligent person committed to this country and to his region.

Honourable senators, I want to go back to Senator Kroft's maiden speech because, oddly enough, he made it just before the weekend of the Grey Cup in 1998, as we are doing here this week as well. In his speech he used the unifying force of sports — a great sense of pride and entertainment in this country — but he gave it a sense of bringing a country together, and he wanted to talk about that fact because it was his part of the country that was bringing Canada together for that particular weekend. Senator Kroft talked about his strong belief in the importance of

Manitoba and the city of Winnipeg and their very centrality in the whole idea of Canada. He said:

We are a natural part of both halves of our country. We live on the edge of the great western prairies, and holiday where the Canadian Shield spills over the Ontario border into Manitoba. Our English and French languages and cultures mix easily, in a way that enriches us all.

That was his motivation in coming here, and he was one of the strongest images of the reality and success of those words that I can think of. He made a contribution to this place on the Banking, Rules and Internal Economy Committees, but for me, always, his sojourn here in the Senate of Canada was an important statement about the pride and the worth of Western Canada, the province of Manitoba, the city of Winnipeg. We all thank him for that and wish him a glorious next career back in the place he loves, with his wonderful wife, Hillaine, and family.

The Senate adjourned until Thursday, November 18, 2004, at 1:30 p.m.

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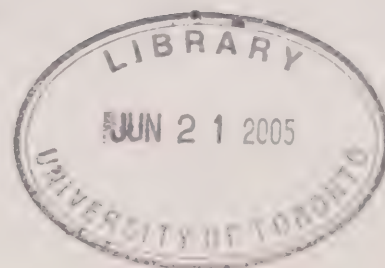
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NUMBER 16

OFFICIAL REPORT
(HANSARD)

Thursday, November 18, 2004

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, November 18, 2004

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE LATE HONOURABLE GERALD S. MERRITHEW

TRIBUTES

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, it was in a rural church near Hampton, New Brunswick, that family, friends and colleagues of the Late Honourable Gerald S. Merrithew gathered to pay their final farewell to this great Canadian.

A former federal and provincial cabinet minister, Gerry, as he was affectionately called by all who knew him, is remembered as a wonderful family man, a great New Brunswicker and a loyal Canadian.

On Friday, September 20 last, we gathered at the graveside to lay to rest our friend. Present were members of Parliament, including the local honourable member for Fundy-Royal, Rob Moore, who today is with us below the bar of the Senate. The current and former premier of New Brunswick, along with cabinet ministers, joined with New Brunswickers from all walks of life in bidding adieu to a man who had made so many contributions to his community, province and country.

Premier Bernard Lord expressed the feelings of everyone when he said that Gerry Merrithew will be greatly missed.

Honourable senators, many current and former members of the Senate of Canada recall Gerry Merrithew's work as a cabinet minister in our former colleague Richard Hatfield's provincial Conservative government, and also as a cabinet minister in Brian Mulroney's federal Conservative government. We especially recall his leadership and work in securing for the Saint John shipyard one of the largest naval contracts in Canadian history: the Canadian patrol frigate program.

He had a love of service, and the City of Saint John, the Province of New Brunswick and, indeed, the entire country benefited from the strength of his commitment. I am proud to have known this exceptional New Brunswicker and Canadian, and I extend our condolences to his family.

Hon. Joseph A. Day: Honourable senators, I am honoured to join with Senator Kinsella in paying tribute to a teacher, a soldier and a great politician and public leader for the City of Saint John and the Province of New Brunswick, Mr. Gerald Merrithew. His life was celebrated in a small church in Kings County on Friday, September 10. The Midland Baptist Church happens to have been the same church where the funeral of a former colleague, Senator Cy Sherwood, took place, and he is buried nearby.

Many of Gerry's family, friends, and former and current politicians and business leaders were in attendance.

Gerald Merrithew graduated from New Brunswick Teachers' College, and he obtained his Bachelor of Arts and Bachelor of Education degrees from the University of New Brunswick. With a lifelong interest in the military, he became an officer cadet and later rose to the rank of lieutenant-colonel in the Royal New Brunswick regiment militia. As a high school teacher and then as a school principal, he was active in recreational and cultural affairs, which led to his entering political life. First elected to Saint John Common Council in 1971, he went into provincial politics in a by-election win for the Progressive Conservative Party of New Brunswick in 1972. He was re-elected in 1974 and was appointed Minister of Commerce and Development for the Province of New Brunswick. He won an election again in 1978, and I particularly remember that election because there was a federal by-election going on in the same area at the same time, and he and I were knocking on the same doors. Honourable senators who have been involved in two elections at the same time will know the interest that that creates.

In 1982, he became Government House Leader and Minister of Natural Resources. In 1984, he was elected to the House of Commons and was immediately appointed Minister of State for Forestry and Mines. After winning his seventh consecutive election in 1988, he was appointed Minister of Veterans Affairs.

It is not an exaggeration to say that without the efforts of Gerald Merrithew, the Saint John region of New Brunswick would be a radically different place today. Between 1972 and 1993, he signed off on every major provincial and federal project, improvement and new building in the Saint John area. I will name a few: the Canada Games, which brought the Aquatic Centre to Saint John; UNB Saint John Field House; the Admiral Beatty Senior Citizens Complex; HMCS Brunswicker Naval Reserve facility; Market Square and Harbour Station. In addition, his name will always be synonymous in Saint John with the role he played in bringing the naval frigate program to our city.

However, as much as he will be remembered for his political accomplishments, he will be remembered as well as a devoted husband to his wife, Bobbie, and a wonderful father to his children, Pam, Wendy, Wayne, Bill, Todd and Lisa, and an exceptional grandfather to his nine grandchildren, all of whom have wonderful memories of their visits to the Merrithew farm at the head of the Belleisle Bay, affectionately known as "the farm."

• (1340)

It was impossible not to respect Gerry Merrithew for his work ethic and for his dedication to the citizens of our region. He left Canada, New Brunswick and Saint John better places by reason of his efforts. He will long be remembered as a champion of our region.

TEACHERS' INSTITUTE ON CANADIAN PARLIAMENTARY DEMOCRACY

Hon. Shirley Maheu: Honourable senators, two weeks ago, senators welcomed members of the Teachers' Institute on Canadian Parliamentary Democracy. Almost 100 teachers descended on Parliament Hill from all of the provinces and territories for six days of meetings. This institute is charged with enhancing knowledge and understanding of Canada's bicameral Parliament leading to the promotion of programs that champion citizenship, education and the development and maintenance of effective strategies for teaching about parliamentary democracy.

Part of the program is based on direct contact with Canada's legislators and includes a detailed review of the progress of legislation through both Houses of Parliament. It is a very interactive process, including questions and answer sessions with the Speakers of both Houses and opportunities to learn about the Governor General's role, the work of the Library of Parliament and the relationship between Parliament and the Supreme Court of Canada. Participants also had an opportunity to review the place of the Parliamentary Press Gallery and the democratic process, and had a session on the history of the evolution of Canada's electoral system, which included discussions on the merits of alternative electoral models.

We all know that there are many myths about the work of this chamber. It is a constant challenge for all of us to dispel these myths. I presided at one of the sessions during which Senator Nolin responded to teachers' questions. Thanks to him, it was a stimulating and passionate event, to say nothing of being informative.

It occurred to me that we will probably never be able to do enough to educate Canadians about Parliament but I believe that the programs being pursued by the Teachers' Institute on Canadian Parliamentary Democracy are an essential part of that education. Following the sessions, I heard from many participants that their visit to Ottawa provided their first truly balanced view of the work of the Senate. Their reaction was uniformly positive.

I am grateful that these sessions took place and I look forward to their next visit to Ottawa.

PRIME MINISTER

NEWFOUNDLAND AND LABRADOR AND NOVA SCOTIA—OFFSHORE OIL AND GAS REVENUES—PROMISE DURING RECENT ELECTION

Hon. Donald H. Oliver: Honourable senators, in last June's federal election, the Prime Minister promised Nova Scotia and Newfoundland and Labrador 100 per cent of their offshore oil and gas revenues. This deal was supposed to be in place by the end of the summer, and it is not.

Honourable senators, on June 5, Mr. Martin made a promise to Atlantic Canada. It has now been 165 days since that promise was made, and still there is no deal for Atlantic Canada. Currently, Nova Scotia and Newfoundland and Labrador receive approximately 20 cents of every offshore dollar; the Government of Canada receives 80 cents, including federal corporate income taxes.

In the late 1980s, our former Prime Minister, the Right Honourable Brian Mulroney, demonstrated true leadership and vision when he came to Atlantic Canada. He understood the importance of petroleum revenues to Atlantic Canada's economy. As Mr. Mulroney said in Halifax on November 9:

The intent of the offshore oil accords, for Nova Scotia and for Newfoundland and Labrador, was that both provinces would be the principal beneficiaries of the oil and gas resources off their coasts.

The purpose of these accords was for Nova Scotia and Newfoundland and Labrador to receive the revenues from their respective offshore resources until their economies were at least at the national average level. Certainly honourable senators will agree that the principal beneficiary outcome promised by Mr. Mulroney has not been followed by this government.

Honourable senators, I strongly urge Mr. Martin to honour this campaign promise and follow through in giving Nova Scotia and Newfoundland and Labrador 100 per cent of the revenues they each generate from offshore oil and gas production. As my leader, Mr. Harper, said in Nova Scotia last week:

In the election the Prime Minister made a promise to Atlantic Canada. And that promise was absolutely clear. It was crystal clear. The issue now is: Do it.

NATIONAL CHILD DAY

Hon. Catherine S. Callbeck: Honourable senators, I rise in the Senate in recognition of National Child Day. National Child Day, which is celebrated on this coming Saturday, commemorates the unanimous adoption of the Convention on the Rights of the Child by the United Nations General Assembly on November 20, 1989. Canada ratified the convention in December 1991 and designated November 20 as National Child Day.

The UN Convention on the Rights of the Child addresses the rights of children and youth under the age of 18. It recognizes their basic human rights and gives them additional rights to protect them from harm. The convention itself covers many issues of importance to children and youth around the world, from a child's right to be free of exploitation, to the right of education, health care and economic opportunity. Since the adoption of the convention, it has been signed and ratified by more countries than any other international treaty.

This year's theme is "A Canada Fit for Children." As part of National Child Day celebrations, over 200 children and youth will be present in the Senate foyer tomorrow morning to present a program of song, dance and theatre. This event has been organized by Child and Friendly Youth Ottawa and the theme — Respect Me, Respect You — has been chosen in recognition of Anti-Bullying Week. I commend Senator Mercer and Senator Munson for hosting this event in the Senate.

There is a Prince Edward Island connection to tomorrow's celebration. Connor Currie, the grandson of two Islanders, Don and Margaret Coles, will be performing a solo with the Counterpoint Children's Choir.

I urge all honourable senators to attend tomorrow morning to watch and listen to these children and youth in celebration of National Child Day.

THE LATE ALEXANDER "RAGS" RAGULIN

TRIBUTE

Hon. Francis William Mahovlich: Honourable senators, I just received a phone call a few moments ago from a Russian reporter who stated that one of their all-star hockey defence men had passed away. His name was Alexander Ragulin. "Rags" won a total of 13 titles. He holds that record along with Vladislav Tretiak. He also won three gold medals in the Olympics in 1964, 1968 and 1972.

Rags was known as the Russian bear. He was difficult to play against, being a huge man and hard to get around. He played his position very well and was a well-disciplined player.

I had an opportunity to meet him a few years ago at a reunion. In 1972, he was the eldest of the Russian hockey players that participated in that famous series. He was 30 years old. I happened to be 34 at the time, so I was one of the eldest on Team Canada.

I am sure all honourable senators are saddened to hear of the passing of such a great sportsman and hockey hero.

ROUTINE PROCEEDINGS

PUBLIC SERVICE INTEGRITY OFFICER

2003-04 ANNUAL REPORT TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table in the chamber, in both official languages, two copies of a document entitled "Public Service Integrity Officer, 2003-04 annual report to Parliament."

• (1350)

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF ISSUES RELATED TO NATIONAL AND INTERNATIONAL OBLIGATIONS PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, November 18, 2004

The Standing Senate Committee on Human Rights has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 188.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, November 18, 2004

The Standing Senate Committee on Human Rights has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to examine and report upon Canada's international obligations in regard to the rights and freedoms of children, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 194.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

[Translation]

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

TRANSPORT AND COMMUNICATIONS

BUDGET, AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ON STUDY OF MEDIA INDUSTRIES PRESENTED

Hon. Joan Fraser, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, November 18, 2004

The Standing Senate Committee on Transport and Communications has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 19, 2004 to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOAN FRASER
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 202.)

[English]

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fraser, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

DEPARTMENT OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-6, to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[English]

INTER-PARLIAMENTARY UNION

PARLIAMENTARY CONFERENCE OF WORLD TRADE ORGANIZATION, SEPTEMBER 6-7, 2004— REPORT TABLED

Hon. Donald H. Oliver: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Inter-Parliamentary Union (IPU) to the Seventh Session of the Steering Committee of the Parliamentary Conference of the WTO held in Geneva, Switzerland, from September 6 to 7, 2004.

MEETING OF STEERING COMMITTEE OF TWELVE PLUS GROUP, SEPTEMBER 10-11, 2004— REPORT TABLED

Hon. Donald H. Oliver: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Inter-Parliamentary Union (IPU) to the Meeting of the Steering Committee of the Twelve Plus Group held in Ghent, Belgium, from September 10 to 11, 2004.

PUBLICLY FUNDED POST-SECONDARY EDUCATION

NOTICE OF INQUIRY

Hon. Elizabeth Hubley: Honourable senators, pursuant to rule 57(2), I give notice that on Tuesday next, November 30, 2004:

I will call the attention of the Senate to the merits of establishing a universally publicly funded system of post-secondary education in Canada as a national social and economic program and to the adoption of federal legislation setting out the mission, role and responsibilities of the government with respect to post-secondary education.

QUESTION PERIOD

INDUSTRY

TECHNOLOGY PARTNERSHIP PROGRAM—
REPAYMENT OF LOANS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and deals with the Technology Partnership Program. An internal audit of Industry Canada has revealed that most of the \$2.7 billion advanced through the Technology Partnership Canada Program will never be recovered, in spite of the government's insistence that the money is repayable. In one report, the Government of Canada is said to have known for some time that most of the money will not be recoverable. When will the government come clean and stop telling Canadians that these are repayable investments?

Hon. Jack Austin (Leader of the Government): Honourable senators, the program has been very successful in stimulating technological entrepreneurship in Canada. The nature of the program is that it has a higher risk than that which would be taken by a normal commercial investor. The government has been completely open about the programs that have been subscribed to. It has been completely open about the amount of funds recovered in the program and the amount of funds invested in the program.

Senator Oliver: In terms of accounting, will the honourable minister tell us if the government intends to keep it on their books as a receivable, or will they write it off knowing that these funds will not be repaid?

Senator Austin: Honourable senators, I will make inquiries with respect to the accounting procedure.

TECHNOLOGY PARTNERSHIP PROGRAM—LOAN TO
CANADA SHIPBUILDING AND ENGINEERING

Hon. Donald H. Oliver: Honourable senators, last year Technology Partnership Canada paid \$4.9 million to Canada Shipbuilding and Engineering. The payment was the subject of considerable controversy in the media, not only because CSE is half owned by the Martin family but because the payment appears to have violated program rules that prevent MPs from directly benefiting from it.

• (1400)

Can the Leader of the Government in the Senate assure senators that Canadians are not misled when the government press release called this a "conditional repayable investment"?

Hon. Jack Austin (Leader of the Government): Honourable senators I am not aware that there has been any breach in the regulations relating to the program, or with respect to the behaviour of any member of Parliament.

AGRICULTURE AND AGRI-FOOD

AID TO INDUSTRY

Hon. Leonard J. Gustafson: Honourable senators, I rise this afternoon to ask questions in regard to the agricultural situation. I feel like a voice crying in the wilderness on this serious issue that we are facing.

The Saskatchewan Association of Rural Municipalities recently held their convention. This is when rural municipal authorities come together to discuss pertinent issues. Neil Harvey, the President, made the observation that many grain farmers are facing their worst crisis in 50 years. The situation in his home province is such that there is a great deal of poor quality grain and nobody wants to buy it. It is bringing 87 cents a bushel, if you can imagine. In his view, Mr. Harvey and other farmers will not have the money to pay their bills or plan a crop for next year.

In this regard, I have many questions for the Leader of the Government in the Senate, and I appreciate the honourable senator's trying to answer them. Much of Saskatchewan has had three frosts, and section after section of land has not been harvested, will not be harvested, and will be burnt. Combined with the other problems the farmers are dealing with, including BSE — although I believe that that problem will be solved because the newly-elected President of the United States believes in free trade — they are facing a crisis situation.

Would the Leader of the Government in the Senate convey to the cabinet the gravity of the frost situation that has hit farmers in Saskatchewan?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Gustafson is addressing a very serious problem in the agricultural sector in Western Canada, and particularly in Saskatchewan. As he correctly says, weather has been adverse, with drought and then early frosts, and as a result, the harvest of quality grain in Saskatchewan is at almost the lowest level of production in recent times.

The circumstances are obviously well known to the Minister of Agriculture. I am advised that he is in discussions with respect to what might be ongoing in the way of a cooperative program between the federal government and the province of Saskatchewan.

Honourable senators, Senator Gustafson mentioned BSE. I was advised just before noon today that the United States Department of Agriculture has announced that a possible second case of BSE has been suspected. The USDA say, however, that they will not have conclusive results for four to seven days from today. They have assured the American public that the animal did not enter the food or feed chain, and there is no risk to human health.

One of the critical issues for us is the origin of that animal. Nothing is known about its origin, at least nothing has been given to the public on that particular subject. I wanted honourable senators to be aware of this matter.

Senator Gustafson: Honourable senators, I want to thank the Leader of the Government in the Senate for that information, which is of a serious nature, of course.

The Minister of Finance, who hails from Regina, has come up with a surplus of \$8.9 billion, to be exact, and Saskatchewan now announces that they have become a "have" province, according to *The Globe and Mail* of yesterday's date. I want to say, however, that there are two kinds of economies in Saskatchewan: There is the agricultural economy and then there is the oil economy, which is very strong because of the high price of oil.

Given the reality that there is money available, would the Leader of the Government in the Senate not agree that it is time we invested very seriously in the salvation of agriculture in Canada?

Senator Austin: Honourable senators, all of us take note, with pleasure, the fact that Saskatchewan is now a province contributing to the equalization pot rather than being dependent upon it. In addition to the oil industry, of course, the potash and uranium industries are performing extremely well, as are high tech industries in Saskatchewan. Certainly, agriculture has an equitable claim on the Canadian *fiscus* and I believe has been well-served.

A number of demands are being made on the Government of Canada at this time with respect to new programs. Some are even representing that we should have tax cuts, Senator Gustafson.

Senator Gustafson: Honourable senators, I would like to emphasize the importance of the government's investing in agriculture. Our farmers are hard-working and conscientious. They are very distraught and morale is low at the thought of even planting a crop in spring, since everybody is in the same very difficult situation.

Given the realities of the financial ability of the federal government, and even the provincial government, I would say that the Government of Saskatchewan has been negligent. I hear no one from the Government of Saskatchewan saying anything about that situation. In fact, they did not meet their equalization payments with the federal government under the CAIS program. They short-changed the program by 25 to 40 per cent.

I believe it is time we invested in agriculture. In the United States, it does not matter if people are from New York or Los Angeles or Seattle, they will stand behind the heartland and build the country. Therefore, I would ask the Leader of the Government in the Senate to convey that thought and request to cabinet.

Senator Austin: Honourable senators, I will bring Senator Gustafson's statements and questions today to the attention of the Minister of Agriculture.

CITIZENSHIP AND IMMIGRATION

ALLEGATIONS OF POLITICAL INTERFERENCE BY MINISTER— INVESTIGATION BY ETHICS COMMISSIONER

Hon. Marjory LeBreton: Honourable senators, the ethics commissioner is investigating the actions of Judy Sgro, the Minister of Citizenship and Immigration, regarding a temporary residency permit she gave to a Romanian dancer who worked on her re-election campaign. Earlier this week, Scott Reid, who seems to speak for the government all the time as the Prime Minister's Communications Director, announced that the Prime

Minister's Office will not conduct an internal investigation into the matter, saying that the minister has conducted herself appropriately. In today's *Toronto Star* there is a report that the Prime Minister's Office — and Mr. Reid, in particular — had learned of the allegations some time ago and that, in the words of Mr. Reid, "Assurances were sought and assurances were given."

Could the Leader of the Government in the Senate tell us when the Prime Minister's office was made aware of allegations of impropriety involving campaign workers and their immigration status?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am not in possession of any of that information, but I will seek it on behalf of Senator LeBreton.

Senator LeBreton: Honourable senators, Mr. Reid claims that the Prime Minister's Office did not have knowledge of these allegations of political interference until well after July 20, when the Prime Minister reappointed Ms. Sgro to cabinet. However, the incidents most likely took place in June during the election campaign.

Would the Leader of the Government in the Senate state unequivocally that the Prime Minister's Office had no knowledge of the allegations of political interference against Ms. Sgro and her staff before reappointment to her cabinet portfolio as Minister of Citizenship and Immigration?

Senator Austin: Honourable senators, again, I will make an inquiry.

• (1410)

HEALTH

SHORTAGE OF PHYSICIANS

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government in the Senate about the doctor shortage in Canada. The Minister of Health has made recent comments that seem to assign any future blame for physician shortages directly to the provinces. Speaking to a Liberal Party meeting in Manitoba, the minister, referring to the health accord funding, said the following:

I can tell you with \$41 billion additional, there is now no excuse on the part of the provinces to continue to have shortages of nurses and doctors.

The Manitoba health minister has called these words unhelpful, and has also said that the notion that 2.5 per cent of our base spending would remedy the shortage of doctors and nurses is fanciful, to say the least.

Could the leader tell us if this is indeed the last word or the state of discussions on this subject, or does he believe some further discussions are possible?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am not aware of the exchange of points of view that are cited by Senator Keon, but we are all aware of views given in various professional reports that more doctors have to be trained in Canada, and I suppose the Minister of Health is hoping that some of the \$41 billion being transferred to the provinces will be devoted to that objective.

Senator Keon: Honourable senators, in his comment, the minister clearly associates the additional health accord funding with a long-term remedy for physician shortages. Those words seem to confirm the fears expressed by many people, including myself, that national strategies to deal with the manpower shortage are not being planned. Indeed, I empathize with the federal minister because many prospective physicians are walking about in Canada who could be qualified and put into the workforce, and it is not happening. Barriers are being raised by many groups of people along the way, and things that should be happening are not happening.

Therefore, it is my belief that things will not change until we have a national strategy to deal with the manpower shortage. I would ask the leader if there is any possibility that there could be an undertaking to get a national strategy under way to deal with this situation.

Senator Austin: Honourable senators, on the question of foreign qualifications, the federal government is making a very determined effort to move forward. As the honourable senator well knows, the certification of those people with foreign qualifications is the responsibility of the provinces, but the federal government has a program under way to ascertain what steps need to be taken, and to use its persuasion to overcome the resistance of groups to which the honourable senator refers.

With respect to domestic training, this is an area in which the federal government is transferring substantial funds to universities, including the health care field for research, for training and, indeed, for capital facilities and equipment. I cannot quantify the programs. I do not have the information directly at hand, but I think that the federal government is very much cognizant of the concerns that the honourable senator is expressing and is acting on those concerns.

Again, back to the comment of the Minister of Health, I have no doubt he is aware of all of this, and it is normal for federal ministers to try to encourage the provinces to move in certain directions and for provinces to try to encourage the federal government to move in certain directions.

HERITAGE

CHILDREN OF MOWACHAHT MUCHALAHT FIRST NATIONS—REQUEST TO FUND VISIT TO OTTAWA FOR OPENING OF YUQUOT EXHIBIT

Hon. Pat Carney: Honourable senators, my question is addressed to the Leader of the Government in this chamber. The Minister of Canadian Heritage has refused a request to bring Aboriginal children from the Mowachaht Muchalaht First Nations, whose historic home is Yuquot, here to Ottawa for the opening of the Encounters at Yuquot exhibit at the Canadian Museum of Civilization, December 8 and 10. The children had hoped to perform a traditional song and dance at the Yuquot exhibit, which celebrates their heritage. Their school is in Gold River, but they are Yuquot children.

Being an ardent British Columbian, I know the minister is aware that Nootka Sound is one of the most historic places in Canada. It is the site of the first European contact with Aboriginal people of the Northwest, in the form of Captain James Cook. It is the site of the first Franciscan Catholic church in the Northwest, and it is where Captain Vancouver and Captain Quadra met to sign the Nootka Convention, which broke the Scottish domination of the Pacific, opened up the Pacific to other nations and is one of the most fascinating parts of our history.

Yet the Minister of Canadian Heritage has said no to this request for a modest \$20,000 to bring the Aboriginal children to Ottawa so that they can see that Canada cherishes their heritage. What can the minister do to ensure that these children can come to the nation's capital and participate in the opening of this Yuquot exhibit?

Hon. Jack Austin (Leader of the Government): Honourable senators, I might add to the historical information that Nootka Sound was the location of the first Spanish trading posts, which were established even before the British arrived on the Pacific coast. We have monuments in Victoria to the Spanish presence on Vancouver Island.

With respect to the specific question, I will inquire into the matter. It would be helpful if the honourable senator could tell me the date of the event planned here in Ottawa.

Senator Carney: I love debating with my fellow British Columbian. Cook made the first contact, according to the Encyclopedia of British Columbia, in 1778. The Spanish arrived later, and the Nootka Convention, I believe, was in the 1790s. I am not sure of that date but, believe me, Cook is the first encounter. La Pérouse, for the record, did go to the northwest but never set foot on land, so that may be where you are getting confused. We share a common interest in our province.

What I do not understand is that the Minister of Canadian Heritage referred this request for money to Ethel Blondin-Andrew, who is the Minister of Northern Development. Yuquot is on Vancouver Island, and the mandate of Northern Development is Yukon and Northwest Territories, so it might be useful if the office of the Minister of Canadian Heritage knew the difference between British Columbia, Yukon and Northwest Territories.

What I further cannot understand is why the Minister of Canadian Heritage, who refused this modest request for what could not be much more than \$20,000, was able to find \$50,000 to produce the pornographic movie, *Bubbles Galore*, \$98,000 for a book on dumb blond jokes, \$193,672.88 to produce a movie, *Kid Nerd*, about adults who have come to terms with nerdiness, and \$194,855.30 to produce the movie, *Frank the Rabbit*, about how humans and rabbits formulate and justify beliefs.

I would like to suggest to this chamber that Yuquot is at least as important as dumb blond jokes, and that the minister should spare no effort to get that \$20,000 so that those kids can be here from December 8 to 10, a mere three weeks away, and participate in this event. I will forward the correspondence.

Senator Austin: Honourable senators, again, I will go back to Margaret Ormsby's history of British Columbia and check my facts, but certainly my impression was that the Spanish came up from Mexico before Captain Cook.

With respect to the children of Yuquot, I will look into the matter and bring the representations of Senator Carney to the Minister of Canadian Heritage.

• (1420)

Senator Carney will know, as a former minister in a previous government, that departments have different programs with funds accessible by the media and creative people, for example. We even encourage fringe thinking in this country. Perhaps the program that would apply to the Yuquot children is a different program with different funding.

Senator Carney: It certainly will not be a program in the Northwest Territories or Yukon. I do not care where the money comes from; I want the \$20,000 to bring those kids to Ottawa.

[Translation]

INDUSTRY

FINANCIAL SUPPORT TO AEROSPACE INDUSTRY

Hon. Jean-Claude Rivest: Honourable senators, my question has to do with the aerospace industry. This morning, a coalition of businesspeople and representatives of the Quebec labour movement urged the Canadian government to adopt a policy as quickly as possible to support the Canadian aerospace industry. We know that Bombardier might leave Quebec and Canada and set up in certain American states that are offering advantages the Canadian government has not.

In Quebec, people are increasingly pressing the federal government to act since the aerospace industry is vital to Quebec's economy. Quebecers are surprised that, in the last election campaign, the federal government promised to support the auto industry in southern Ontario before any specific business plan was even presented. It had \$700 million for Ford. When Bombardier's management went to the federal government, they were asked to provide a concrete plan. Only then would the government be able to make a commitment.

Why is the federal government so slow to provide clear-cut support to Bombardier, one of Canada's major companies?

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, it is well known that the manufacturing capacity of the aerospace industry in Canada is one of the prime manufacturing sectors of our economy, and the Government of Canada, regardless of what party has been in office, has been solidly behind that industry. It is not only Bombardier, although they are a significant part of that industry. There are a number of other manufacturing and supply facilities across Canada, including in my own province of British Columbia, the province of Manitoba, the province of Ontario and in Atlantic Canada. Any time a major project is developed, benefits spread across Canada.

I will look into the story referred to by Senator Rivest and raise the matter personally with the Minister of Industry. As far as I am aware, however, government support for the aerospace industry has in no way been diminished.

CANADA-UNITED STATES RELATIONS

COMMENTS BY MEMBER FOR MISSISSAUGA-ERINDALE— DISMISSAL FROM LIBERAL CAUCUS

Hon. David Tkachuk: Honourable senators, the Leader of the Government in the Senate mentioned fringe thinking. Could the minister confirm that the Member of Parliament for Mississauga—Erindale, Ms. Carolyn Parrish, has been removed from the parliamentary caucus of the Liberal Party of Canada?

Hon. Jack Austin (Leader of the Government): Honourable senators, that is my understanding.

Senator Tkachuk: What action did she take that precipitated this response when yesterday the Leader of the Government was vociferously defending her right to freedom of speech?

Senator Austin: Honourable senators, her right to freedom of speech continues, probably unimpaired in every possible way. However, I will read a statement made by the Prime Minister this afternoon:

After speaking with the caucus executive earlier this afternoon, I am announcing my decision, effective immediately, to dismiss Carolyn Parrish from the government caucus.

I called her a short time ago and told her of my decision. I told her that, while I have defended her right to express her views frankly, I cannot, as Leader of our party and the government caucus, tolerate behaviour that demeans and disrespects others. It is unacceptable. There are better, more civil and more effective ways to make your case than those she has chosen.

Senator Tkachuk: Honourable senators, although the action was taken late, and although Ms. Parrish has used language that is demeaning, unbecoming and rude in the past, this action by the Prime Minister, although it hurts me to say so, must be commended by members on this side.

Hon. Marcel Prud'homme: Honourable senators, on the same issue, I must admit that, as the longest-sitting parliamentarian, I am very worried about this dismissal. I am extremely pro-United States of America, and if people do not like it, tough luck. I have written reports saying that if we were to abolish parliamentary associations due to public opinion, the one association that should remain is the Canada-U.S. association. That was written for the two Speakers in 1993 in the Prud'homme report and reaffirmed in the Strahl-Prud'homme report in 1998.

I stand very clearly as pro-United States of America, our neighbour and friend, but I am extremely disturbed about this situation. If Ms. Parrish had been in cabinet, I would applaud her dismissal. If she were a parliamentary secretary with a title, I would say this is the right of the Prime Minister. However, as

horrendous as we may think she is, as difficult as she may be and whatever she may say, I am extremely worried about freedom of expression in this country inside political parties when someone who has served her country in her own way is expelled from a political party. There are ways to create a vacuum behind a member rather than throwing them out. It is ultimately the electors who should decide.

I am extremely worried about the definition of "freedom of expression." I know the Conservatives think this was a good move even though, according to them, it was a late move. I, however, am surprised that the Prime Minister, who is my friend and whose father was my friend, went that far in his intolerance.

Senator Austin: Honourable senators, I can only treat Senator Prud'homme's statement as a representation of his point of view.

ORDERS OF THE DAY

INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (AIRCRAFT EQUIPMENT) BILL

SECOND READING—DEBATE ADJOURNED

Hon. Gerard A. Phalen moved second reading of Bill C-4, to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment.

He said: Honourable senators, I welcome this opportunity to speak at the second reading of stage of Bill C-4. I am certain we all agree that a strong and competitive aviation industry is an important economic facilitator that drives Canada's economy. Furthermore, I think we all recognize that the aviation industry sector has faced significant challenges over the past few years.

• (1430)

Economic shocks and other geopolitical events such as the September 11 terrorist attacks, the fear of new acts of terrorism, severe acute respiratory syndrome and record high fuel prices have all contributed negatively upon this sector. As a result of these pressures, industry stakeholders have been calling on the Government of Canada to implement broad measures to assist the difficult situation facing the airline and aerospace sectors.

Honourable senators, the adoption of Bill C-4 demonstrates the government's commitment to the long-term viability of the Canadian airline and aerospace industries, and will help our industries compete more effectively in the global economy by facilitating their access to capital markets.

Canada played a leading role in the negotiation and development of the Cape Town convention and aircraft protocol. As a matter of fact, it was a Canadian delegate to the International Institute for the Unification of Private Law that first proposed the establishment of an international registry for

security interests in aircraft in 1988. Since then, governments and industry stakeholders worldwide have cooperated in developing the convention and aircraft protocol.

The introduction of this legislation establishes that Canada is taking an important step toward ratification of the convention and aircraft protocol. The eventual implementation of the convention and aircraft protocol in Canada would reaffirm Canada's leadership role in international civil aviation.

On March 31, 2004, Canada became the twenty-eighth state to sign the convention and aircraft protocol. Our signature was added to a list of other countries with significant aviation and aerospace interests, including France, Germany, the United Kingdom and the United States.

While it has taken more than 15 years for this initiative to come to fruition, it has met with approval from both the airline and manufacturing elements of the aviation industry, as well as those providing financing for it.

Throughout the process leading up to the introduction of the legislation, stakeholders have been continually consulted. Representatives of the Canadian industry were present and participated in many of the meetings leading up to the diplomatic conference at Cape Town, as well as at the meetings that formally adopted these international instruments. It is clear that the adoption of this bill will be an important step in the creation of an international regime that the aviation industry sees as beneficial.

The rationale behind the convention and aircraft protocol, honourable senators, is the establishment of an international legal regime that includes remedies to creditors in cases of default. The new regime will reduce the risks associated with financing and provide greater certainty to creditors and aircraft manufacturers. As a result of this increased certainty, large amounts of credit are expected to be made available to airlines at a lower cost, ultimately generating increased airline earnings and profitability and important spinoff benefits to the economy.

A second feature of the convention and aircraft protocol is that these provide for the creation of an international registry for rights in aircraft that will set the order of priority among purchasers and creditors. The creation of a single international registry will provide considerable advantage in terms of time, cost savings and improved certainty in resolving questions of priority of interests. This bill is required to give force of law to the provisions of the convention and aircraft protocol that fall within federal jurisdiction.

Honourable senators, this bill provides for a number of targeted amendments to existing legislation. For instance, the proposed amendments to the Bank Act will permit the carving out of larger aircraft equipment from its purview and direct new registrations to the international registry. The Bank Act special security regime allows banks in Canada to register security interests on a national basis for certain products listed in the act. The types of products that can be registered under the Bank Act are technically broad enough to include aircraft equipment covered by the new protocol. However, it appears that the Bank Act special security regime is rarely, if ever, used to register aircraft. Nonetheless,

amendments to the Bank Act would be required to avoid potential overlap with the proposed international registry. The most effective means of doing this is to remove aircraft equipment from the scope of the Bank Act.

The proposed amendments to the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act and the Winding-up and Restructuring Act will provide greater certainty for aviation creditors, thus benefiting Canadian aircraft manufacturers, financiers and airlines on an international level.

The bill provides for a special remedy in the case of insolvency that would impose a fixed-stay period of 60 days. After this period, creditors could reclaim an aircraft or aircraft equipment on which they have a security, if the lessee has failed to meet its obligations under the lease. The adoption of this stay period would increase certainty in the system and would level the playing field between Canada and the United States. The United States industry already benefits from a similar provision under the U.S. Bankruptcy Code.

Honourable senators, stakeholders have conveyed that there are substantial benefits expected following the passage of this proposed legislation and Canada's ratification of the convention and aircraft protocol. As I have already mentioned, airlines expect that the new regime will enhance their ability to obtain financing for their aircraft because the system provides increased security for creditors. Since the rules provided for in the convention and aircraft protocol and this bill reduces their financial risk, it is expected that creditors will make greater levels of credit available and at lesser costs. This will have a direct financial impact on the airlines' bottom line by reducing their costs of borrowing money.

Aircraft manufacturers are expected to benefit from increased sales, especially to those countries that do not currently benefit from asset-based financial regimes, as a result of reduced financing costs. Consumers can also be expected to benefit. Airlines can pass on the realized cost savings to passengers by lowering ticket prices or by increasing services. Furthermore, air transportation can become safer and environmentally cleaner by allowing airlines to purchase more modern aircraft at reduced costs.

Improving the competitiveness of the Canadian airline and aerospace sectors will also work to maintain highly paid, specialized jobs in Canada, leading to positive spinoff effects in all regions of Canada.

As I have alluded to already, not only do Canadians benefit by the adoption of this treaty, but so would developing nations. When implemented in developing countries, the convention and aircraft protocol would result in reduced costs of financing and would make financing available where it would not otherwise be. As a result of the increased certainty that is afforded to creditors, airlines will be more willing to dispose of surplus aircraft in developing markets. Manufacturers, too, would be more willing to sell aircraft to developing countries. These markets will then benefit from obtaining safer, more efficient and more environmentally friendly aircraft than may be in current use.

Honourable senators, the second major feature of the convention and aircraft protocol comprises the creation of a worldwide Internet-based international registry that would be available and accessible by any individual or company 24 hours a day, seven days a week. The existence of a single worldwide electronic international registry, by recording and searching interests in aircraft equipment, is viewed by stakeholders, including the legal community, manufacturers and financiers, as a considerable advantage in terms of time, cost savings and improved certainty.

• (1440)

This international registry is being established and will be operated, by Aviareto, an Irish-based company, which was selected through a tendering process supervised by the International Civil Aviation Organization, known as ICAO. A permanent supervisory authority will oversee the operation of the registry. This permanent supervisory authority will, among other things, have the authority to appoint and dismiss the registry operator, make regulations dealing with the operation of the registry, establish a procedure for receiving complaints, set the fee structure, and report to the contracting states.

As a signatory party and a key participant to date, Canada will continue to work through ICAO to ensure that Canadian interests will be protected throughout this process.

It is important to note, honourable senators, that provincial and territorial implementation legislation is also required before the convention and aircraft protocol can take effect in respect of Canada. The provinces and territories have consistently demonstrated their interest and support for these instruments.

Already, Ontario and Nova Scotia have passed implementing legislation that we could expect to enter into force following Canada's ratification of the convention and aircraft protocol. It is expected that other provinces and territories will follow suit, especially those with significant aviation interests.

I cannot stress enough that the Government of Canada has been working closely with the provinces and territories throughout this initiative and that they continue to be consulted through the Uniform Law Conference of Canada and through the Department of Justice Advisory Group on Private International Law.

For a country like Canada, the convention contains only a few major innovations. However, it will provide other countries with a considerable measure of legal improvements that may well assist them in getting the most out of their economies while at same time providing enhanced opportunities for Canadian business.

As already outlined, the benefits to Canada of implementing this bill and ratifying the convention and protocol include greater security for creditors; increased competitiveness of the Canadian aerospace and airline industries; maintaining jobs in Canada; and spinoff effect for various regions within Canada.

In conclusion, honourable senators, I reiterate that the adoption of this bill would confer significant benefits to the airline and aerospace industries. The advantages of implementing the convention and aircraft protocol are obvious.

I would ask that honourable senators support the adoption of this Bill C-4.

On motion of Senator Tkachuk, debate adjourned.

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ON STUDY OF MEDIA INDUSTRIES ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Transport and Communications (budget—study on the Canadian media) presented in the Senate earlier this day.—(*Honourable Senator Fraser*)

Hon. Joan Fraser moved the adoption of the report.

She said: Honourable senators, having asked for leave to proceed, I ought to explain why. The reason is quite simple. This is a budget request. I appreciate the fact that the Standing Committee on Internal Economy, Budgets and Administration gave rapid consideration to the request the deputy chairman, Senator Tkachuk, and I made just a couple of days ago.

We are seeking authorization to spend \$100,000 almost entirely on travel. Senators will recall that our study into the news media was authorized a year and a half ago by the Senate. In the previous Parliament, travel for the purposes of conducting that study was authorized, but because of prorogation and dissolution we were unable to do the required travel.

It is our hope to travel to Toronto and Montreal — that is to say, the major media centres in Canada — in December. We would appreciate the ability to start organizing that travel as quickly as possible, which is why we are requesting that this report be adopted today.

Senator Kinsella: Question!

Hon. Marcel Prud'homme: Honourable senators, something is troubling some senators, although it is not necessarily the committee budget of the Honourable Senator Fraser. We know that there is a certain amount of money for all committees, even though the Standing Senate Committee on Foreign Affairs, of which I am a member, has not seen fit to sit yet. I am extremely worried that the oldest committee has not seen fit to choose what it will study. I say that, as we say, *en passant*.

The difficulty in which I find myself has nothing to do with the Honourable Senator Fraser, the distinguished Chair of the Standing Senate Committee on Transport and Communications, who is able, competent and diligent; but there is only so much money at the disposal of our committees. Earlier this week we saw another committee ask for hundreds of thousands of dollars for, I am sure, a good purpose. However, what will be left at the end of

the day for other committees wishing to study special issues if we accept, right away, the request for such a vast amount of money for one committee, as worthwhile as the request may be?

I remember the discussion we had with Senator Bacon. I know that Senator Bacon, when she was Chair of the Internal Economy Committee, had to worry about distributing funds equally among all committees — and to have a reserve. Good administrators should always have a reserve on the side for emergencies.

I see that we will have to deal piecemeal with this issue. It seems there are those who are fast on the clutch in asking for a big budget, and tough luck to those who are left behind. I know that Senator Robichaud has always been attentive to these matters, and I know that he is now paying attention. I see a lot of approval on the other side as to what we are up to.

• (1450)

I was always under the impression that when we do tackle these matters, we have an overall picture of what the program of action will be, and then we try to accommodate and divide equally, making penitence for some and making it more difficult for others. I spoke with Senator Carstairs. From recent human experience, I am of the strong opinion that the time has come to continue the work done by Senator Croll. We still talk about the Croll report. The time has come to reinstitute a new committee on aging that will be extremely important and that will do glory to the Senate. It will cost money, however, so I am in a difficult situation.

I do not want to say no to the Honourable Senator Fraser. She can go ahead and ask for the adoption of this report. However, in my view, this should not be the way to proceed in the future. There should be a meeting of all chairs and the competent Leader of the Government in the Senate and the Leader of the Opposition. Everybody who has a position of authority should get together to say, "Listen, we will put some order on this procedure once and for all in the administration of the Senate."

Honourable senators, you can tell that I do not come here prepared. Out of experience, I ask: Where are we going? What are we up to now by voting these budgets piecemeal, one at a time, when there will be other great matters to study? For example, I know that Senator Carney would like us to study Canada-China relations — a very important matter for Canada's future. The Standing Senate Committee on Foreign Affairs — and Senator Corbin is present — has not presented a program of action that will require a budget. Others are in the same position. Perhaps someone can enlighten me.

I have a great deal of respect not only for the work Senator Fraser does but also for the honour she brings to the Senate because it reflects on us. I do not want her to take this as a personal comment on her own request but a general comment on all the requests that are coming in one by one. Due to long experience of having to administer our affairs in a way that is acceptable and productive, I put myself at the disposal of the leadership of the government and the opposition to have discussions eventually, because I am not a member of the Standing Committee on Internal Economy, Budgets and Administration. I regret — and I will say this to the Speaker — not being on the Internal Economy Committee. We have

eight non-aligned senators now in this chamber. That is 12 per cent of the Senate. People who have experience in this chamber should be on the Internal Economy Committee — at least one or two who would be present 100 per cent of the time and who could share their experience with colleagues because of their long-time experience in the other chamber and in this chamber. The Standing Committee on Internal Economy, Budgets and Administration is big. Perhaps it is my fault for not asking to amend the rules of this chamber but some order should prevail somewhere.

I am not opposing but only reflecting on the request of the honourable senator. I hope that what I have said will be useful in the future in our reflections on organizing a general plan of action for the Senate, while at the same time being conservative. In the other chamber I was known as "Scrooge". For every penny that was requested, I wanted to know what it was to be used for. It was abolished after I left and I realize now why: Every penny had to be well spent. I know every penny is well-spent in the Senate, but I am of the opinion that at this very early time there will be no money left for other committees. I hope people will take that in the spirit that I put it forward to you, namely, in a positive atmosphere, to be more concrete, to be in the service of all senators.

Hon. Jack Austin (Leader of the Government): Honourable senators, as honourable senators are aware, the matter of budgets and the allocation of funds to committees is the business of our Standing Committee on Internal Economy, Budgets and Administration, which is chaired by the Honourable Senator Furey. It has a subcommittee on budgets which is chaired by the Honourable Senator Massicotte. I believe the deputy chair of that subcommittee is Senator Lynch-Staunton, who has been here for long enough to be described as senior.

The subcommittee on budgets and the Standing Committee on Internal Economy, Budgets and Administration have been processing the requests of various committees for expenditures. They have weighed and evaluated the requests, as will be noted with respect to this second report submitted by the Chair of the Standing Senate Committee on Transport and Communications. Appended to the report is the decision of the Internal Economy Committee assigned by the chair of that committee.

I want to assure Senator Prud'homme that there is a process in place, and that it is a process that is under the careful scrutiny of the members of that committee, composed, as Senator Prud'homme well knows, of senators on both sides of this chamber. Nothing is being done casually or haphazardly with respect to this particular process.

Of course, any senator can attend the committee's deliberations. As Senator Prud'homme knows, the subcommittee refers its recommendations to the committee as a whole.

I hope for the moment that will be a satisfactory explanation of what is taking place and that the Senate can approve this second report.

Senator Prud'homme: I would like to thank the Honourable Senator Austin for having put very clearly what could happen and what is happening on the record. Everything he said is totally

factual. However, I still worry about the overall picture as to what chairmen intend to do this year. Those three fine people who sit on the subcommittee will be at least better prepared to render a decision. It does not make them very popular. I know Senator Lynch-Staunton is a tough man, and the two who sit on the subcommittee, they can handle the heat. However, it was probably badly explained. It would be good if a committee of chairmen could come together and explain the overall picture they have in mind for the year.

Now, we still go piecemeal. I am sure it must have been agonizing for Senator Furey and Senator Lynch-Staunton and those who sit on that subcommittee to come to terms and say, "No. We will give you \$100,000." That seems to be the pattern because another committee was also given \$100,000 this week.

I thank the honourable senator for his courtesy to answer me in the tone he took with me. However, I would still like to see if we could not do it differently so that we have a better overall picture of what to expect this year.

Senator Austin: Let me just add, honourable senators, that I will ask Senator Furey to consider the representations of the Honourable Senator Prud'homme to see if it would be possible for a more global context to be offered.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: I will put the question.

It was moved by the Honourable Senator Fraser, seconded by the Honourable Senator Day, that this report be adopted now. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

• (1500)

STATE OF POST-SECONDARY EDUCATION

INQUIRY—DEBATE ADJOURNED

Hon. Catherine S. Callbeck rose pursuant to notice of October 27, 2004:

That she will call the attention of the Senate to the state of post-secondary education in Canada.

She said: Honourable senators, I rise today to draw the attention of the Senate to the state of post-secondary education in Canada.

As my colleagues are aware, Canada has undergone a shift to a knowledge-based economy. Over the past four decades, as we have marched further and further along the path to an economy built on technology and knowledge, the need for equality of opportunity in accessing post-secondary education has become paramount. Education and training are two of the things needed to generate new ideas and their innovative application.

Currently, the majority of jobs in Canada, and certainly many of the best paying ones, require some form of post-secondary education, whether it is college or university. Estimates are that by the year 2011, almost two thirds of all jobs will be filled by people with higher education credentials.

This move to a knowledge-based economy is reflected in the increase in full-time university enrolment. In the past 20 years, full-time enrolment has grown 64 per cent in the Maritimes and part-time enrolment has increased 19 per cent. This Maritime trend of increased enrolment follows closely the same trend on the national scale.

Not only are there more students enrolling in post-secondary institutions, but we are also seeing a trend that the number of women enrolling outnumber the number of men. In the past two decades, the number of women attending Maritime universities full time increased by almost 80 per cent. In the year 2000-01, women accounted for 59.3 per cent of all full-time students enrolled in Maritime universities.

Despite strong enrolment growth over the past two decades, Canadians do not enter post-secondary programs at the same rate as individuals from many other countries. Reports show that 39.3 per cent of Canadian adults between the ages 20 and 24 are enrolled in a post-secondary institution, while Finland had an attendance rate at 56.1 per cent, Denmark at 55.3 per cent and France at 53.2 per cent.

Although there has been an increase in university enrolment, a recent study from the Maritime Provinces Higher Education Commission found that educational background of parents is still having an impact on whether a student attends some sort of post-secondary institution. Students whose parents had not gone to university were less likely to pursue higher education than students whose parents had. The study found that the parents' educational background also had a lasting impact on whether students chose to pursue further study after obtaining a first degree.

Similarly, the income level of a student's parents also had an impact on participation in higher education. Those in the highest quartile of income are twice as likely to attend university. Researchers document an 83 per cent participation rate in higher education for youth whose estimated family income exceeds \$80,000. Only 60 per cent of youth from families earning between \$55,000 and \$80,000, and 55 per cent of youth from families earning less than \$55,000 had post-secondary education.

Honourable senators, more than ever, education has become the key to success, but the price tag of that success has been rising steadily. Students will pay an average of \$4,172 in tuition fees for this academic year. That is up from \$4,018 the year before, and this includes the four provinces that have capped tuition fees — Ontario, Quebec, Manitoba, Newfoundland and Labrador. Today's tuition fees are almost triple the average of \$1,464 in the year 1990-91. Last year, tuition fees for undergraduate degrees in my home province of Prince Edward Island were \$4,133, slightly above the national average.

These marked increases in tuition fees can largely be attributed to a decrease in government funding for university operating revenue. In 1985-86, government contributed 81 per cent of the operating revenue. This proportion had fallen to 61 per cent by the year 2000-01.

Not only do students face increased tuition fees, but mandatory student fees have grown substantially across the country in recent years as institutions try to create new sources of revenue. These include fees for athletics, health services, student associations, information technology and other fees directly levelled by the institution.

Students can pay as much as \$1,400 a year in these fees, depending on the institution and the program in which they are enrolled. In my home province, the average student pays more than \$500 a year for these mandatory fees. These fees can increase considerably depending on the student's program or courses. For example, those enrolled in UPEI's Business Cooperative Education Program pay an additional \$425 in registration fees.

In addition, students in professional or secondary programs in particular often face large costs in the form of supplies and equipment that are not optional. Students enrolled in medicine may pay as much as \$8,000 per year per student for supplies and equipment necessary to complete their program, while those enrolled in dentistry can pay as much as \$15,000 year.

Today, students use a variety of methods to finance their education. There is private income, family, scholarships, bursaries, private loans and government loans.

Many universities have increased their scholarships and bursaries in order to help offset the increase in tuition fees. However, a student must claim a scholarship or a bursary as income on their income tax return. Although there is an exemption of a maximum of \$3,000 on the scholarship, fellowship or bursary income received, this exemption is often not enough to cover that scholarship or bursary. For example, in my own province, the renewable entrance scholarship is \$5,000. The student would have to claim \$2,000 as a source of income on his or her income tax return.

The Canada Student Loans Program, introduced by the federal government in 1964, was designated to increase access to education. Since its inception, the Canada Student Loans Program has been the primary vehicle for delivering direct financial assistance to post-secondary students in Canada. The federal program currently serves over 360,000 students annually. In addition, the Canada Student Loans Program is complemented by provincial student loan programs, and most students take advantage of both.

Approximately 45 per cent of students graduating in the year 2000 with a bachelor degree from university had a government student loan. On average, they owed about \$20,000 at the completion of their degree program.

• (1510)

According to Statistics Canada, students who graduated in 2000 owed about 76 per cent more than the graduates of 1990. Honourable senators, as tuition continues to rise by almost four per cent again this year, how much more will students entering university this year owe when they graduate in the year 2008? How will this impact their future? For the class of 2000, only one in five have paid off their debts two years after graduation. Slightly more than one in four were reporting difficulties in repaying their debts.

Most provinces do offer debt-reduction grants and loan-remission programs. Also, the Millennium Scholarship Foundation was developed to address student debt by giving bursaries and awards. However, it has not been enough. A recent Statistics Canada report found that 72 per cent of those who face barriers to post-secondary education listed financial reasons as the number-one barrier. In recognition of the fact that access to higher education for low- and middle-income families is a major financial concern, the 2004 federal Budget announced a number of changes to the Canada Student Loans Program. These initiatives are still waiting final cabinet approval.

Some of the proposed initiatives include the recommendation that the weekly loan limit be raised from \$165 to \$210 and that parental contributions expected from low- and middle-income families be reduced. These recently announced changes to the government student loan program are likely to see debt levels rise beginning next year. A new grant of \$3,000 would become available to first-year low-income students — those with a family income of less than \$35,000 per year — to assist with tuition costs. The existing Canada Study Grant for students with permanent disabilities would become more widely available. Income thresholds for interest relief would rise by five per cent and the debt reduction in repayment measures would allow borrowers to have up to \$26,000 of their loan forgiven, up from the current \$20,000.

On October 8, legislation was introduced to implement new measures to help low- and middle-income families to save for their child's education. A new Canada learning bond is being proposed that will provide low-income families with up to \$2,000 for children born after January 1, 2004. To encourage families to set up a Registered Education Savings Plan, or RESP, the Canada learning bond will provide \$500 to children born on or after January 1, 2004 to families that are entitled to the National Child Benefit supplement. This will be followed up by 15 annual \$100 entitlements for each year the family is entitled to the NCB supplement for the child. With the earned interest, these entitlements could be worth up to \$3,000 by the time the child reaches 18 years of age.

It is hoped that these changes and others that have been proposed would be effective in helping to provide equality of opportunity.

As legislators, we must work to ensure equality of access to higher education for all Canadians. Certainly a number of policy suggestions have been made that deserve further scrutiny. It has been suggested that we should be moving to offer more non-repayable grants for low-income students. It has been argued

that the debt reduction program guidelines are too stringent and are not accessible to those who really need the debt relief. Many have said that the measures proposed in the 2004 federal Budget do not go far enough in addressing these concerns. It has been suggested that the government examine tax measures with attention to increasing the deductible amount for a scholarship, a bursary or fellowship from the current maximum of \$3,000. Also, as the rising costs of tuition and the cost of living are rapidly out-stripping the educational tax credits, many have argued for an increase in the current \$400 per month Education Amount allowed in the Non-refundable Tax Credit field on the federal tax return.

Honourable senators, investment in education is key to increased technology and innovation, which is the foundation of economic growth both in Atlantic Canada and in the rest of Canada. As lawmakers, we must make sure that we are continuing the tradition begun almost 40 years ago of ensuring equality of access to higher education for all Canadians. Further studies need to be conducted to examine the programs offered in countries such as Finland, Denmark and France in attracting a high percentage of adults to attend post-secondary institutions. The challenge is to ensure that we build upon our successes to develop an equitable framework for the financing of post-secondary education so that every student in Canada who wishes to pursue higher education can do so.

On motion of Senator Kinsella, debate adjourned.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY CHARITABLE GIVING

Hon. Jeremiah S. Grafstein, pursuant to notice of November 4, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with charitable giving in Canada. In particular, the Committee shall be authorized to examine:

- the needs and opportunities of Canadians in relation to various aspects of Canadian life (such as health care, education, social and cultural programs and institutions, senior care, heritage preservation, scientific research and more) and the ability of Canadians to assist in these areas through charitable giving;
- current federal policy measures on charitable giving;
- new or enhanced federal policy measures, with an emphasis on tax policy, which may make charitable giving more affordable for Canadians at all income levels;
- the impact of current and proposed federal policy measures on charitable giving at the local, regional and national levels and across charities;

- the impact of current and proposed federal policy measures on the federal treasuries; and
- other related issues; and

That the Committee submit an interim report no later than December 16, 2004 and its final report no later than March 31, 2005, and that the Committee retain until May 31, 2005 all powers necessary to publicize its findings.

He said: Honourable senators, I rise today to seek your support for the Standing Senate Committee on Banking, Trade and Commerce's study on charitable giving. One core value that knits the threads of civil society together is the acceptance of responsibilities for others in our community. "Community" has been defined in various terms — from neighbourhood, to city, to special interest or needs groups, to cultural, health or educational institutions, to national causes. Of course, at the heart of all of our faith communities is giving. Two basic elements convert this core value to reality. First, volunteerism is the selfless coming together of people, alone or in groups, to achieve a worthy purpose on behalf of their fellow citizens. Volunteering is an act of giving, of making a contribution of time, energy, experience and talent. Each and every Canadian is or has been a volunteer. We are all volunteers. Second is charitable giving or philanthropy. This is the giving of money or gifts in kind to achieve a purpose on behalf of others. The acts of giving either time or money are inextricably linked.

Charitable giving is such a fundamental part of the makeup of all Canadians. Charity is inseparable from our history reaching back to the earliest settlements on the continent. According to the Canada Revenue Agency, there are 80,000 registered charities in Canada, with \$14 billion in donations, still less than two per cent of our GDP. As befits the mandate of this committee, we are focusing on the financial aspect of volunteerism — the volunteering of financial resources or charitable giving. We cannot overestimate the importance of charitable giving in Canada today. In every facet of civil society — social and cultural programs and institutions, health care, senior citizen care, heritage preservation, education, ecology, et cetera — real needs and opportunities far exceed the means to provide them.

While we look to governments at all levels to provide the key resources in these areas, we are conscious of the inability of governments to provide everything that Canadians need or justifiably want to have. Historically, the gap between available government funding and genuine need has been addressed partially by charitable giving. When we travel across Canada, we bear witness to the amazing work of volunteers in every corner of our country. Yet, we are all aware of the widening gap between the capacity of government to meet our needs and the increasing range of needs that Canadians wish to address. We are all aware of the growing costs of support programs, providing services and building facilities. We are all aware of the increasing number of needs in an increasingly complicated society. We are all aware of the possibility to unleash more of the increasing personal wealth across the middle- and upper-income levels.

The Standing Senate Committee on Banking, Trade and Commerce has taken note of the gap between need and

opportunity and the available public resources, and has determined to direct its attention to it. We will focus on the issue of charitable giving to determine whether new and enhanced policy measures might be taken to bring more and better programs, institutions and services to the benefit of Canadians everywhere.

• (1520)

Our principal target will be tax policy, to determine what might be done to enhance the opportunities for affordable giving by Canadians at all levels of income where the potential of such giving exists. In doing so, we will be looking at giving at all levels and by all means. We are all aware of the encouragement and incentives to give that already exist in our tax system. We are also aware that there are ideas and proposals at various stages of study. We are interested in hearing more about them and, further, we are hoping that the study we are undertaking will stimulate new thinking and new and different ideas.

In conducting the study, we will at all times be cognizant of the fiscal needs and restraints of government. Economic realities impose severe restraints and the requirement for priority setting on government. Our objective is simple — to encourage ideas and to propose policies that will unlock greater amounts of personal wealth for charitable purposes in a cost-effective way, always cognizant of the restraints on government revenues.

Is there hidden leverage in charitable giving? We will seek to uncover answers.

Honourable senators, is it more blessed to give than to receive? We will see. We may even explore the contours of the empowerment of giving. I thank you for attention and seek your support for this kinetic study.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 23, 2004, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, November 23, 2004, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Thursday, November 18, 2004

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce					
S-18	An Act to amend the Statistics Act	04/11/02							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16							
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology					
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20							
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27							
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04							

PRIVATE BILLS

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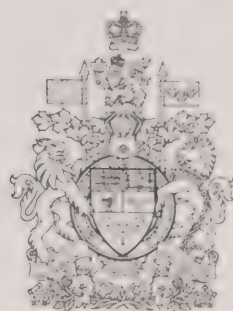
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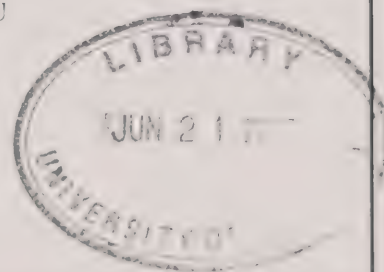
NUMBER 17

OFFICIAL REPORT
(HANSARD)

Tuesday, November 23, 2004

—

THE HONOURABLE SHIRLEY MAHEU
SPEAKER *PRO TEMPORE*



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, November 23, 2004

The Senate met at 2 p.m., the Speaker *pro tempore* in the chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Max Binder, President of the National Council of the Swiss Federation.

On behalf of all senators, I welcome you to the Senate of Canada.

SENATORS' STATEMENTS

THE LATE HONOURABLE ELLEN LOUKS FAIRCLOUGH, P.C., O.C.

TRIBUTES

Hon. Marjory LeBreton: Honourable senators, on Saturday afternoon, November 13, 2004, the Right Honourable Ellen Fairclough passed away, just two months shy of her one-hundredth birthday. She was predeceased by her husband, Gordon, and her only child, a son, Howard.

Ellen Fairclough was a remarkable woman. Her accomplishments are well known to us. She was a Conservative who was elected to the House of Commons five times, starting in 1950, a record unmatched by any other women during the 1950s and 1960s. Indeed, in 1950 she was the only woman in the House of Commons.

She became the first woman cabinet minister in the history of our country in 1957 when John Diefenbaker appointed her as Secretary of State in his minority government.

In 1958, she was named Minister of Citizenship and Immigration, one of the most challenging of portfolios, then and now. She was later named Postmaster General in 1962.

In 1960, she introduced legislation that gave status Indians the right to vote in federal elections.

In 1975, Ontario named her "Woman of the Year."

In 1978, she was given special recognition by the House of Commons for her parliamentary contributions.

In 1976, she supported the Honourable Flora MacDonald in her bid for the leadership of the Progressive Conservative Party.

In 1993, she moved the nomination of the Honourable Kim Campbell as the Progressive Conservative Party's leader. Ms. Campbell, as we know, became Canada's first and only woman Prime Minister.

In 1995, she became a Companion of the Order of Canada.

Yes, honourable senators, Ellen Fairclough was a trailblazer and will be remembered for her many accomplishments, but it was who she was, her character, that truly set her apart. She took her responsibilities seriously. At times during her years in the cabinet with Mr. Diefenbaker she considered resigning from cabinet but did not because, as she said:

I had my personal staff to consider, all of whom would have been out of a job if I quit. Moreover, I knew that if I threw in the towel, the criticism would have been levelled at all women.

Ms. Fairclough rarely spoke about her gender, but she did offer a very telling comment:

If a male member of Parliament says anything foolish it is forgotten the next day, but if a woman does it, it is repeated endlessly, right across the country.

During her time in parliament, she and her husband were considered a maverick couple. She commuted home on weekends from Ottawa while he and her only child, Howard, held their own during the week in Hamilton with the help of a housekeeper.

She lived according to her principles. She brought in reforms to Canada's immigration policy and fought to eliminate race and ethnic origin as grounds for discrimination. She fought for pay equity when most did not consider this a serious issue.

In closing, honourable senators, you will be hearing from my colleague across the way, Senator Pépin. Senator Murray and myself support the establishment of the Fairclough Foundation at McMaster University, which is naming a scholarship in her honour.

[Translation]

Hon. Lucie Pépin: Honourable senators, as Senator LeBreton has already said, the Honourable Ellen Louks Fairclough left us last week. Ellen Fairclough is one of those Canadian women whose lives have left a mark not only on their own era but on the history of this country.

She will be remembered for having been an example to women in general and an inspiration to many of us who sit in legislatures. As the first women to be appointed to a federal cabinet, she and others blazed the trail for the rest of us to follow.

Women of her day held only secondary responsibilities in public life. After her election in 1950, she gradually earned the confidence of Prime Minister John Diefenbaker and, in June 1957, he appointed her Secretary of State.

• (1410)

Instead of playing the token role expected of her at the time, she took her responsibility to advance Canadian society seriously. Rising above the sarcastic and mocking attitudes of her colleagues, she proved her mettle and went on to become Postmaster General and Minister of Citizenship and Immigration. In the latter portfolio, she strove to eliminate racism in our immigration policy.

Steadfastly ignoring the media's greater interest in what she was wearing than what she had to say, she continued to battle against the prejudices facing women.

Her actions as a minister proved that women could manage files and issues as well as they could manage their homes, something we may not always remember was an extremely revolutionary idea at the time.

In her own way, Ellen Fairclough took one of the most important steps in the long march to equality. Having been aware most of her life of the injustices toward women, once in Parliament she took it upon herself to defend their rights by introducing a number of private bills for equal pay for work of equal value. She also showed a special interest in several other social justice issues, including housing, income tax, and unemployment insurance.

Before being elected to the House of Commons, Ellen Fairclough had a career in politics in her hometown of Hamilton, where she served as a city councillor, deputy mayor and then controller.

Ellen Fairclough was a recipient of the Order of Canada and had the title of Right Honourable bestowed on her by Her Majesty Queen Elizabeth II. In 1978, the House of Commons unanimously extended its sincere congratulations for the significant contribution she made to Canadian political life and for being the only woman in Canadian political history to have served as Acting Prime Minister.

This great lady has passed away after a full life during which she served Canada. I know that her memory will live on forever in the annals of our history.

[English]

Hon. Consiglio Di Nino: Honourable senators, I should like to add some words of praise for this unique woman. How does one speak of a legend? Under any definition, Ellen Fairclough is a legend. Over the years I had the privilege of meeting her several times and was impressed by her poise, her openness and her intelligence.

Ellen Fairclough was a trailblazer in Parliament, a role model for many and a much loved and admired Canadian. Her accomplishments in and out of Parliament, always achieved with civility and class, are well documented and acknowledged. In my opinion, her greatest contributions are her mentoring and inspirational roles that have benefited Canadians and Canada enormously.

Ellen Fairclough has left this world a better place than she found it. For that we owe her our gratitude and respect. To her family and friends I say thank you for sharing this exceptional woman with us.

Hon. Sharon Carstairs: Honourable senators, Ellen Fairclough always kept several pairs of white gloves in her desk just in case she had to go out in public. This, of course, was the custom of the day. However, little else was customary about this quite extraordinary woman.

An accountant by training, she was supposed to remain at home after her marriage in 1931 and subsequent birth of her son, Howard, but she simply had too much energy. She originally returned to work at night for a broker who promised wages sufficient for a babysitter, often working until three or four in the morning. Her competence resulted in full-time employment, but she soon went out on her own. She opened her own office as a tax expert and, coincidentally, only hired women.

She ran for Hamilton City Council in 1946 and was re-elected in 1947, 1948 and 1949. In 1950 she became deputy mayor. Later that year she ran for Parliament and won, having run earlier, as so many women had done, as the sacrificial candidate. When the Conservatives formed a minority government in 1957, she became Canada's first female cabinet minister as Secretary of State.

She frequently was critical of other women for not trying hard enough. A prodigious worker, she expected others to be the same. At the same time, she encouraged them. In 1958, she said:

You know men think it is a compliment when they say "she thinks like a man." I accept it as the compliment they intend, but sometimes I wonder if they would feel flattered if a woman said admiringly, "he thinks like a woman."

When comments were made about reaction to her political career, she said:

You have no idea. I'd meet people on the street who'd say, "Why don't you go home and look after your house?" Well, I didn't make any obscene gestures but I felt like it. Ah, anybody as small as that, just brush them off.

Brush them off she did as she became Minister of Citizenship and Immigration and Postmistress General. Never a favourite of the Right Honourable John Diefenbaker, she stood on principle and supported Douglas Harkness when, as Minister of Defence, he resigned over the Bormac missile crisis in 1963.

She was defeated in the election later that year and returned to business, but she left an indelible mark on Canadian politics as one of the women who did it first.

DISCOVERY OF NOOTKA SOUND

Hon. Jack Austin (Leader of the Government): Honourable senators, I am not rising necessarily to congratulate the Toronto Argonauts on their Grey Cup victory, although they deserve congratulations for a well-fought game, nor am I declaring that I will dye my hair blue as the Mayor of Vancouver, Larry Campbell, said he would do if Toronto had won. I look forward to meeting the mayor shortly. However, he has assured British Columbians that the dye does not designate any political affiliation.

I am rising to continue a point exchanged between Senator Carney and me on November 18 in the chamber relating to the first discovery of Nootka Sound in British Columbia. Senator Carney said on page 299 of the *Debates of the Senate* that Nootka Sound "is the site of the first European contact with Aboriginal people of the Northwest, in the form of Captain James Cook." I offered the opinion that in fact the first contact was made by the Spanish. Captain Cook arrived on the B.C. coast in 1778 and the Spanish arrived in 1774.

I would like to advise honourable senators that a very active program of exploration was taking place by European nations in the late 1700s. Referring to volume 7, number 1, *Province of British Columbia Official History*, the chapter on Captain Cook and the Spanish explorers on the coast, Juan Pérez sailed from the Baja Peninsula on January 25, 1774, in an 82-foot frigate, the *Santiago*. The Spanish sighted land on July 18, 1774, and discovered they were on what we call today the northern part of the Queen Charlotte Islands. The Haida paddled out to his vessel for trade, and one of the canoes was paddled by 22 men.

A few weeks later on that same voyage, Pérez turned south and entered Nootka Sound. He tried to put a landing party on the ground but the weather made it impossible. However, the Nootka people were, to refer to the official history, "less timid than the Spaniards where there were commercial matters at stake. They paddled out to acquire California abalone shells and obtained two silver spoons, which were found by Captain Cook when he arrived at Nootka Sound four years later."

I think that Senator Carney has the point that Captain Cook, four years later, landed at Nootka Sound. The Spanish, however, arrived there four years sooner and began trading.

Senator Tkachuk: That is what she said.

Senator Austin: I think I am quoting correctly, Senator Tkachuk.

Senator Kinsella: Order.

The Hon. the Speaker pro tempore: I am sorry, senator, but your time has expired.

• (1420)

TRINITY WESTERN UNIVERSITY

CANADIAN INTERUNIVERSITY SPORT SOCCER CHAMPIONSHIP—CONGRATULATIONS TO WINNING TEAM

Hon. Gerry St. Germain: Honourable senators, I rise today to recognize the accomplishments of Trinity Western University women's soccer team. Trinity Western, located in Langley, British Columbia, is a small, impressive university, its student body numbering less than 3,000. Four years ago, Trinity Western joined Canadian Interuniversity Sport in its endeavour to provide its student athletes with the best venue in which to compete in Canada. This would mean that Trinity teams would be facing schools with student bodies three to ten times their size, always placing them at a disadvantage because of their smaller talent pool and access to funding.

[Senator Austin]

After only four years in the CIS, the women's soccer team defied the expectations of many, winning the national championship held November 12-14 in Montreal. Trailing McGill University two to nothing at the end of the first half, Trinity showed true grit, coming from behind to score the tying goal with seconds left in the game, eventually winning the game in a shoot out. This may be described as a Cinderella story, but I believe it is more akin to David versus Goliath.

On Saturday last, honourable senators, I had the privilege of being at Trinity Western University where I was attending a board meeting, and I met a member of the team, Whitney Agassiz. She said, "We rallied and played like champions," just as, I guess, the Toronto Argonauts did.

To the Trinity Western women's soccer team, I say, congratulations on your national championship victory. Your determination and perseverance against great odds is truly inspirational. I hope all honourable senators will applaud this victory.

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

NOVEMBER 2004 REPORT TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the November 2004 report of the Auditor General of Canada to the House of Commons.

[English]

STUDY ON STATE OF HEALTH CARE SYSTEM

FIRST INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Michael Kirby: Honourable senators, I have the honour to table the third report of the Standing Senate Committee on Social Affairs, Science and Technology, which is its first interim report on mental health, entitled, *Mental Health, Mental Illness and Addiction: Overview of Policies and Programs in Canada*.

On motion of Senator Kirby, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

SECOND INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Michael Kirby: Honourable senators, I have the honour to table the fourth report of the Standing Senate Committee on Social Affairs, Science and Technology, which is its second interim report on mental health, entitled, *Mental Health Policies and Programs in Selected Countries*.

On motion of Senator Kirby, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THIRD INTERIM REPORT OF SOCIAL AFFAIRS,
SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Michael Kirby: Honourable senators, I have the honour to table the fifth report of the Standing Senate Committee on Social Affairs, Science and Technology, which is its third interim report on mental health, entitled, *Mental Health, Mental Illness and Addiction: Issues and Options for Canada*.

On motion of Senator Kirby, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

QUESTION PERIOD

TRANSPORT

AUDITOR GENERAL'S REPORT— AIRLINE SECURITY CHARGE SURPLUS

Hon. W. David Angus: Honourable senators, I rise today with a question further relating to the government's shocking announcement of the budget surplus of \$8.9 billion last year.

We learned from audited data released by the Department of Finance last week the disturbing information that the extra security charges on airline tickets netted the federal government \$234 million more than it actually spent on air security in the year immediately following the terrorist attacks on the U.S. of September 11, 2001. The audit information reveals that the funds raised from the assessment of a \$24 security charge on every round trip ticket, which began in April 2002, raised \$443 million, whereas only \$209 million was spent in the same period on enhanced airline security.

Honourable senators will recall that this security charge was levied against the private sector over the protests of the airline industry, the air carriers and generally all those people who were already suffering greatly from the diminished traffic flow and the devastation that followed the terrorist attacks.

Will the government leader please tell us where this \$234 million excess has gone and why it was not spent on enhanced security? If it was not needed, when will it be paid back?

Hon. Jack Austin (Leader of the Government): Honourable senators, part of Senator Angus's presentation contains some facts, and some of it is argument. I will take the question as notice.

Senator Angus: The government leader will take the question as notice. At the same time, would he please also take note of the fact that the government promised that this security charge would be reviewed on a regular basis, and that, if it was not needed, it would be abolished. Indeed, it appears it was reviewed, and it has been reduced on at least two occasions, but it is still \$10 a ticket on flights to the U.S., \$20 a ticket on international flights, and \$12 on return tickets to points within Canada. I submit that this fee is no longer needed. Would the government leader please tell us when it will be abolished once and for all?

Senator Austin: I will carry the honourable senator's representations to the Minister of Transport.

• (1430)

TREASURY BOARD

AUDITOR GENERAL'S REPORT—INTERNAL AUDITING IN DEPARTMENTS AND AGENCIES

Hon. Donald H. Oliver: Honourable senators, this week's Auditor General's report found several weaknesses in the government's internal audit practices. Last week, in what some describe as a pre-emptive strike, the government announced an overhaul of its internal audit system. The changes are to be a multi-year initiative. The only thing that will happen anytime soon is that the Comptroller General will audit the government's smaller agencies. Everything else is subject to consultations. The government will consult on the following: the internal audit policy; the organizational independence of internal audit groups; a clear definition of roles and responsibilities of senior managers and departmental comptrollers; and the staffing of internal auditor positions across the federal public service.

The minister's press release of last week tells us the following:

Details on further steps in the multi-year plan will be announced following the completion of consultations.

Can the Leader of the Government in the Senate advise whether there is a firm target date when all of these new and creative things are to happen and when this new structural audit reorganization will be complete?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government accepts the recommendations of the Auditor General with respect to the internal accounting process. I doubt there is a specific timeline on the response of the government. I will, however, make inquiries to see if a timeline is practical in the circumstances.

What is clear is the necessity to strengthen the internal audit process throughout government.

Senator Oliver: The Auditor General was very much concerned that, unlike in the private sector where auditors are independent and separate from management, the audit committee of most government departments is chaired by a deputy minister or associate deputy minister. Most of the other audit committee members are typically assistant deputy ministers from the same department. That structure does not facilitate independent auditing. With the exception of the Department of Public Works, past recommendations that departmental audit committees include outside auditors have been ignored.

The Auditor General has again recommended that the Treasury Board policy on internal audits requires departmental audit committees to have independent outside members. When will this revision occur? Can the Leader of the Government assure the Senate that it will take place in the form of a hard direction that there be outside auditors rather than the soft recommendation that they simply be considered?

Senator Austin: Honourable senators, Senator Oliver correctly outlined the process of consultation that will take place, and the conclusions, therefore, should await the process of consultation. However, as Senator Oliver is aware, the new structure recommended would provide a reporting process to the Comptroller General.

TRANSPORT

PORT AUTHORITIES—INVOLVEMENT WITH COMPANIES OWNED BY PRIME MINISTER'S FAMILY

Hon. David Tkachuk: Honourable senators, written questions are among the tools that we use to hold the government to account. In this regard, accurate and timely answers are essential. The Auditor General looked at the treatment of Order Paper questions and other questions, finding the following: poor coordination; confusion about which department should take the lead in answering government-wide questions; a refusal on the part of some departments to go back more than six years; information denied on a technicality; and a refusal on the part of the government to demand answers from Crown corporations.

Senator Angus: Cover up! Shame!

Senator Tkachuk: We still do not know the extent of the Martin companies' dealings with 18 Canada port authorities because of a legal dispute about whether they are an agency of government and thus not part of what was asked for in the now infamous Order Paper Question No. 37. Will the government undertake to make public the dealings of the Martin companies with the Canada port authorities over the past decade?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have not had the opportunity to review the chapter of the Auditor General's report tabled this afternoon in the Senate to which Senator Tkachuk refers. I will have to take the question as notice and provide an answer at a later time.

Senator Tkachuk: It is in chapter 7, and I am sure the honourable senator will have the answers for me tomorrow.

CANADA POST

INVOLVEMENT WITH COMPANIES OWNED BY PRIME MINISTER'S FAMILY

Hon. David Tkachuk: We do not know the extent of the Martin companies' dealings with Canada Post, as the Crown corporation considers this to be commercial information. The government refuses to use its powers under the Financial Administration Act to order the information released. Will the government now undertake to answer the questions between the Martin companies and Canada Post?

Hon. Jack Austin (Leader of the Government): Honourable senators, again, I would reply that I have not had an opportunity to study the chapter, and I would need to both look at the chapter and make requests for information from other parts of the government because that information is not in my possession.

HOUSE OF COMMONS

AUDITOR GENERAL'S REPORT— RESPONSE TO ORDER PAPER QUESTIONS

Hon. David Tkachuk: The government has agreed to a series of changes to the way answers to Order Paper questions are handled in the House of Commons. For example, the government will include a copy of the instructions that were sent to the departments charged with answering the question and will consult with the office of the Speaker of the other place on how best to do this. As well, the government will work with the Clerk of the House of Commons to develop a glossary of terms for use by members of Parliament in writing their Order Paper questions.

We also ask Order Paper questions in this place. There is no mention of the Senate in the government's response. Is it the intention of the government to also change the process for asking and answering written questions in this place? If so, will these involve consultations with the office of our Speaker and with our clerk?

Hon. Jack Austin (Leader of the Government): Honourable senators, any question relating to the answers to written questions on our Order Paper and to questions taken as notice that are answered in writing is a matter for the internal governance of this chamber. I would be delighted to have the Leader of the Opposition, if he is interested, refer the matter to the Speaker's Advisory Committee.

HEALTH

AUDITOR GENERAL'S REPORT— FEDERAL DRUG BENEFIT PROGRAMS— UNSAFE USAGE OF PRESCRIPTION DRUGS

Hon. Marjory LeBreton: Honourable senators, chapter 4 of the Auditor General's report identifies problems with the federal government's drug benefit programs, especially in the area of cost management. The report states that the federal government has spent tens of millions of dollars more than necessary on prescription drug benefits, partly because it does not take advantage of certain measures to contain costs, such as bulk purchasing.

The Auditor General agreed with the recommendation of the October 2002 report of the Standing Senate Committee on Social Affairs, Science and Technology that a centralized national buying agency could provide a significant opportunity for cost savings. Will the federal government commit to cutting costs by better coordinating the drug purchasing programs of the various departments?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would answer the question by saying that the position of the government will be considered on the basis of the Auditor General's recommendation, but it would seem to be a good direction in which to move.

Senator LeBreton: The Auditor General's report also pointed out that the various federal departments providing these benefits are not properly tracking the different types of prescription drug abuse.

For example, the report reveals that the number of Health Canada clients who have received more than 50 prescriptions in a three-month period has tripled since 1999. The Auditor General first advised Health Canada to identify patterns of drug abuse in a 1997 report and then again in the year 2000. Despite promises it would do so, the department has yet to conduct such an analysis. Could the Leader of the Government in the Senate tell us why Health Canada has been so slow to put in place a system to track its clients' unsafe usage of prescription drugs?

Senator Austin: I will take the question as notice and make inquiries.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— AWARDING OF CONTRACT TO PURCHASE SIKORSKY H-92

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate.

• (1440)

On November 19, the American publication *Defence Systems Daily* released some very interesting information having to do with the replacement of Canada's Sea King helicopters. Their statement, entitled "Keeping Taxpayer Dollars Grounded in Reality," points out Sikorsky's failure to get the RAH Comanche off the ground with the U.S. army which, in turn, begs the question about their failure with respect to the army version of this helicopter and whether it can deliver on the S-92, which is already some three years late.

In a statement, the group has warned:

Unfortunately the red flags for another Comanche-style disaster are flying all over the place.... For example, in 1998, Sikorsky said it would deliver the first S-92 commercial helicopter — on which its proposed Marine One is based — in 2001. By 1999, the delivery became "early 2002" and later mid-2002. The next target for delivery was the third quarter of 2003. Finally, late in the third quarter of 2004, three years after it was promised, the first S-92 helicopter was delivered.

The statement goes on to list several reasons for this.

Has the Government of Canada awarded Sikorsky a contract for the maritime version of the S-92, the so-called H-92, a helicopter that, I remind colleagues, is at this point in time only on paper? Has Sikorsky given the government a date on which they will deliver the first so-called green vehicle, or have they been warned that there will be delays outside the stipulated delivery contract date?

Hon. Jack Austin (Leader of the Government): Honourable senators, the key point in response to Senator Forrestall's question is that the government is continuing to deal with Sikorsky with respect to concluding details of the contract.

I have no way of answering his other questions at this stage.

Senator Forrestall: Honourable senators, I gather from what the Leader of the Government in the Senate has said that there has been no indication from Sikorsky of any undue difficulties. If that is what he said, I accept that. If that is not what he said, perhaps he could include what he did say in a later response.

FOREIGN SHIPS IN CANADIAN WATERS PROTECTION OF NORTHERN WATERS

Hon. J. Michael Forrestall: Honourable senators, last week, the *National Post* stated, with regard to home security, that foreign submarines routinely make unauthorized forays into our territorial waters. In fact, Russian, American and other nations' submarines have been straying into Canadian waters for years. Retired naval Captain Allan Dunlop says it "is not a war-like threat at the moment. But it's still a threat and it's still out there."

Will the Leader of the Government in the Senate tell us when this government will wake up to our security needs in this regard and take the necessary action to guard against this?

Hon. Jack Austin (Leader of the Government): Honourable senators, although I am not aware of the allegations that Canadian waters are being trespassed by foreign submarines, certainly Senator Forrestall is well aware that one of the most important reasons for acquiring Victoria class submarines is to conduct surveillance of what takes place within Canadian waters as well as on Canadian waters.

Senator Forrestall: Honourable senators, all of this, of course, is in tribute to and in honour of how Canada will go about continuing to assert its sovereignty in our Arctic. Had we gone ahead with the Polar 8 a few years ago, we would have done that. There would be no question about Canadian sovereignty today. It would have been Canadian water on the surface, in the water and in the ice surrounding it.

In 2001, Canadian scientists spotted an unidentified vessel on the surface of Cumberland Sound, a boat that, according to an anonymous naval source, was almost certainly of French registry. The U.S. and Denmark do not recognize our claim to Arctic waters. Their patrols in the North are commonplace and go unnoticed and unchallenged because, although it is not that the government will not back up our claims, it is that it gives itself no tools, instruments or means to back up our claims.

When will the government make its presence known in Canadian waters, whatever their state of fluidity may be? When will the government protect the sovereignty of Canada in the North?

Senator Austin: Honourable senators, I am in agreement with Senator Forrestall's statement that, if we had constructed the Polar 8 we would have had a vessel capable of patrolling Arctic waters to a depth of eight feet of ice. I believe that is what the figure "8" means. Unfortunately, that project, which was to have been built in British Columbia and was a commitment of the Mulroney government, was also cancelled by the Mulroney government.

With respect to northern sovereignty, part of the Speech from the Throne devoted itself to the question of a northern strategy that includes northern sovereignty, and the Government of Canada intends to take many and various steps to assert its sovereignty and presence in the Arctic.

It is the case that the United States refuses to recognize the Northwest Passage as internal waters of Canada, but it recognizes Canada's sovereignty in the Arctic islands.

Senator Forrestall: Honourable senators, I think that Ambassador Beazley described it slightly differently from that.

The honourable senator is right; it was a Mulroney government project cancelled by the Mulroney government because of warring that was going on at the time between the various regions of the country.

Would the leader undertake to look into the question of the surface presence of other shipping in the Northwest Passage with a view to advising the Senate of the degree of activity there that is other than Canadian flagged?

Senator Austin: I thank the honourable senator for his question.

That is a fair question. That information should be made available to those who are concerned about our northern sovereignty.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

AUDITOR GENERAL'S REPORT— EDUCATION PROGRAM FOR ABORIGINAL CHILDREN ON RESERVES

Hon. Gerry St. Germain: Honourable senators, my question is directed to the Leader of the Government in the Senate. In April of 2000, the Auditor General reported that it would take about 27 years to close the education gap between First Nations people living on reserve and the Canadian population as a whole. Despite promises from the department that it would accelerate its progress in bridging that difference, the Auditor General now reports that, if the department continues on its current path, the gap will actually increase to 28 years.

The department has made limited progress since 2000, generally continuing the same practices. This problem will not be fixed overnight, but we cannot allow a generation to pass by before First Nation high school graduates reach parity with other Canadians. I am sure the Leader of the Government in the Senate would agree with that.

How can the federal government justify so little progress having occurred despite previous assurances otherwise from the department?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator St. Germain for this important question. The well-being of the Aboriginal people depends on

education. It depends on their having access to the same knowledge that all Canadians have and their ability to exercise that knowledge in their daily lives and in their occupations.

• (1450)

The Government of Canada held a round table on April 19, 2004, with national and regional leaders of the Aboriginal communities, the status community, the non-status community, the Inuit and the Metis. Education was one of the tables of that conference which I attended.

The issues are multi-faceted. I will put three before honourable senators. The first is the partnership that is required between the Government of Canada and the Aboriginal peoples. Hitherto, the process has relied on the department providing services without real consultation, at times at least, with the needs of the Aboriginal peoples with respect to their curriculum and the programs that the department put in place. What has begun now is a partnership, an equal party consultation with Aboriginal leadership concerning what is known as a kindergarten-to-12 program.

The second issue is the nature of the organization of Aboriginal education in Aboriginal communities. The Aboriginal community itself is trying to create a program of school boards which will create, in turn, uniform programs and standard management of education by the Aboriginal community.

The third issue is the question of financial resources. The Government of Canada has assured the Aboriginal leadership that financial resources will flow as these first two steps are put in place through discussions and agreements.

Senator St. Germain: Honourable senators, according to the Auditor General's report, Indian and Northern Affairs Canada does not know whether the funds it provides are sufficient to cover expenses for eligible students. It does not know if it provides enough funds to meet the educational standards it sets. It does not know if the funds allocated are used for their intended purpose. As a result, the department does not provide Parliament with an accurate picture of the education program's costs, results and performances, a program with a budget of over \$1 billion annually.

Honourable senators, perhaps it is time to do what many of us who are Aboriginal under section 35 have advocated. Perhaps it is time to dismantle the Department of Indian Affairs and Northern Development. It is time to pull this department apart because it no longer provides the services for which it was intended. It has become huge and unmanageable.

We have had good Ministers of Indian and Northern Affairs. I remember working with Minister Stewart and ministers in the Mulroney government. I remember working with Minister Penner and others who put great effort toward this very cause. Senator Austin well knows that we have had good ministers, but they have never been able to take control of the monster. It has become a monster. Governments have allowed the department to do this. Perhaps it is time to dismantle this organization so that these people can find their rightful place.

What has been said in the Auditor General's report about them being in excess of 20 years behind has been written by other organizations. How will we be able to catch up if we do not change the root cause of the problem?

Senator Austin: Honourable senators, I cannot answer succinctly the question asked by the honourable senator in the time available, but I will try to comment on two of the points raised.

First, as Senator St. Germain has noted, a substantial amount of funding has gone into Aboriginal education, which has had positive effects. Many Aboriginal peoples have benefited from the programs that are in place.

What Senator St. Germain said, referring to the Auditor General's report, is that a true value-for-money audit is just not in place. One can make intuitive assumptions about the benefits, but a quantifiable system is not in place. Indeed, one can do it, I suppose, by bare statistics, but the quality of education does not show up in statistics. The impact of education on employment and the increasing wealth of Aboriginals is also hard to trace in a statistical fashion. Nonetheless, it is the business of government to put in place value for the money.

Education is a priority issue for the government and for the Aboriginal peoples. I do not for a moment think that disbanding the department is a positive step. We have a department with perhaps not the best record of administration that it might have but it is a solid performer. In talking to many Aboriginal people I know that they want it reformed. They want some of its functions removed to the authority of other ministries, but they do not want it disassembled. This is a service delivery organization that remains extremely important to the Aboriginal people.

CANADIAN BROADCASTING CORPORATION

COVERAGE OF ALBERTA PROVINCIAL ELECTION

Hon. Leonard J. Gustafson: Honourable senators, my question relates to the CBC. As we know, there was an election in Alberta yesterday and the Klein Conservatives did very well again. I tried my best to get coverage from the CBC. It seemed like Toronto went to bed at about 9:30. In Saskatchewan, we just could not pick up anything. Even though a victory was declared, one likes to watch the returns as they come in and it was impossible to get them.

If one had been in B.C. I imagine that we would not have seen anything. My question is about the fairness of the CBC, which is financed by all taxpayers for all of Canada. There is more to Canada than Toronto.

Some Hon. Senators: Hear, hear!

Senator Gustafson: Does the minister have any comments on the reporting of the CBC?

Hon. Jack Austin (Leader of the Government): Honourable senators, I wish to inform Senator Gustafson that I had the same problem. I had the television turned on and wanted to see the results riding by riding. I wanted to see the popular vote. I stayed up until midnight and switched from CBC to CTV to Global, none of which carried any satisfactory level of information, just the gross numbers for each of the parties.

Mr. Rabinovitch, President of the CBC, has said that his priority is building — and I might say in fairness that “rebuilding” is the word he should use — the regional presence of the CBC. He wants program creation in the regions and a focus on regional program delivery. Hopefully, we will be better supplied with the information we should have.

Senator St. Germain: We need Fox TV.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table responses to questions raised in the Senate; first, a delayed answer to questions raised by Senator Tkachuk on November 2, 2004, concerning the Copyright Board of Canada and tariff increases involving musical works; second, a delayed answer to a question raised by Senator Gustafson on November 18, 2004, regarding aid to the agriculture and agri-food industry following the climatic extremes experienced in Saskatchewan.

[English]

The third response is to a question raised in the Senate on November 3, 2004 by Senator Murray regarding the national child care program, social union framework.

The fourth answer is to an oral question raised in the Senate on November 2, 2004 by Senator St. Germain regarding the public safety goal of the Canada Firearms Centre and, in particular, the Canadian firearms safety course.

The final response is to an oral question asked on October 26 by Senator Stratton regarding the Polish delegation to Canada.

COPYRIGHT BOARD

TARIFF INCREASES INVOLVING MUSICAL WORKS

(Response to question raised by Hon. David Tkachuk on November 2, 2004)

The *Copyright Act* provides for the backdated application of tariffs. When SOCAN files a tariff proposal, the preceding certified tariff continues to apply, but only on an interim basis. Once the tariff proposal has been considered and a new tariff is certified, it is backdated to the date on which the preceding certified tariff expired. If the new tariff is higher than the previous one, SOCAN is entitled to collect the difference. If the new tariff is lower, SOCAN can issue refunds.

In the particular case referred to by Senator Tkachuk, the retroactive increases went back as far as 1998, farther than is usually the case. This is so because the case was highly complex, and involved many different user groups, some of which were able, after negotiations, to successfully reach an agreement with SOCAN.

The SOCAN tariff for karaoke bars has been certified by the Copyright Board for the first time in 1992. SOCAN filed a proposal for an increase in the tariff applying to the karaoke bars for the years 1998 to 2000 on August 29, 1997. Tariff proposals for 2001 to 2004 were filed yearly at later dates. The Copyright Board published these tariff proposals in the *Canada Gazette*, giving notice that all prospective users who wish to object to the proposal could file their written objections with the Board within 60 days of publication. There were no specific objectors to this tariff. In addition, these tariffs are also published on the Board's web site, and a user is always free to file written comments to the Board. The Board did not receive any.

The Board however did consider a general objection filed by the Canadian Restaurant and Foodservices Association (CRFA), an Association representing many restaurants and bars across Canada. The Board is aware that the CRFA publicized among its members some of the tariff increases proposed by SOCAN.

The Copyright Board held hearings on February 4 to 6, 2002 to decide on these issues. CRFA participated in these hearings.

SOCAN filed a tariff proposal for an increase in the rate applying to karaoke bars for the years 1998 to 2000 on August 29, 1997. The tariff proposal for 2001 was filed on March 31, 2000, for 2002 on March 30, 2001, for 2003 on April 2, 2002 and for 2004 on March 31, 2003.

AGRICULTURE AND AGRI-FOOD

AID TO INDUSTRY

(Response to question raised by Hon. Leonard J. Gustafson on November 18, 2004)

Production insurance is available for all commercially-grown crops in the Prairies as a means of providing protection against natural hazards such as frost. Between 65 per cent and 85 per cent of seeded acres of grain and oilseed crops were insured across the Prairies this year.

It appears that the later seeded crops such as canola and flax may have significant yield losses. Grain crops on the other hand are expected to experience primarily quality losses due to the early frosts. Both yield and quality losses are covered by Production Insurance.

Saskatchewan Crop Insurance Corporation is still processing post-harvest claims from producers. Current indications are that indemnities in Saskatchewan will be approximately \$300 million.

Producers may also be eligible for assistance through the Canadian Agricultural Income Stabilization (CAIS) Program if frost damage reduces their income below their average level on a whole-farm basis.

SOCIAL DEVELOPMENT

NATIONAL CHILD CARE PROGRAM

(Response to question raised by Hon. Lowell Murray on November 3, 2004)

There is no "agreement" to sign yet. Last November 2nd Federal-Provincial-Territorial Ministers Responsible for Social Services laid the groundwork for a nation-wide initiative that will become a pillar of Canada's social foundations.

Federal-Provincial-Territorial Ministers (with the exception of Quebec) agreed on shared principles to guide the development of a new national system of early learning and child care.

The agreed-upon principles include quality, universally inclusive, accessible, and developmental.

FPT Ministers view this initiative as an important way of supporting parents in their primary role and responsibility in the care of their children.

The province of Quebec has made significant progress in improving the availability of early learning and child care programs, and its model does support the principles of quality, affordability, universally inclusive and developmental.

A national approach will acknowledge the varying needs of all jurisdictions.

FPT Ministers, including Minister Béchard from Quebec, agreed to meet in January 2005 to continue work towards an agreement-in-principle on a national early learning and child care initiative.

Social Union Framework

The Government of Canada supports the Social Union Framework Agreement. Discussions with provinces and territories on social issues are therefore conducted in the context of SUFA.

Federal-Provincial-Territorial Ministers Responsible for Social Services agreed to meet in January 2005 to continue work towards an agreement-in-principle on a national early learning and child care initiative.

Decisions regarding specific delivery financing, delivery and reporting mechanisms of a national initiative have not been made as discussions for an agreement-in-principle will continue in the new year.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

CANADA FIREARMS CENTRE— ANNUAL BUDGET 2005-06

(Response to question raised by Hon. Gerry St. Germain on November 2, 2004)

In response to the Honourable Senator's question regarding the public safety goal of the Canada Firearms Centre and, in particular, the Canadian Firearms Safety Course, it is important to reiterate that the entire Canadian Firearms Program is about public safety.

Through its Licensing Directorate, the Canada Firearms Centre is responsible for the development of national safety education programs, standards and policies to enhance public safety including, for example, development, evaluation and revision of the Canadian Firearms Safety Course.

The CAFC Report on Plans and Priorities for 2004-05 identifies "availability, and reach of safety courses" as a key performance indicator. This activity will be measured by the number of courses given in various locations, the number of certified and active instructors, and the percentage of course participants who found the course useful.

To be eligible for a firearms licence to possess and acquire non-restricted firearms, individuals must first pass the Canadian Firearms Safety Course. They must also pass the Canadian Restricted Firearms Safety Course to possess and acquire restricted firearms.

The courses teach firearm users about safe handling, use, storage, display and transportation of firearms and ammunition. Course material also reminds individuals of their social responsibility and the requirements of the Firearms Act and its regulations.

In 2003 alone, almost 30,000 Canadians completed the Canadian Firearms Safety Course and more than 6,000 Canadians completed the Canadian Restricted Firearms Safety Course.

Chief Firearms Officers for each province are responsible for the implementation and delivery of these safety programs, in accordance with national standards and policies, and target their resources to safety education accordingly.

Chief Firearms Officers are also responsible for inspections of firearms ranges and businesses. Chief Firearms Officers and other Program officials are engaged in a variety of communications, consultations and outreach initiatives to educate the public about the safe use of firearms.

As mentioned earlier, the entire Canadian Firearms Program is about public safety. For example, aside from requiring that people meet specific safety standards pertaining to the safe use, storage and transportation of firearms before they are eligible to apply for a firearms

licence, applicants are screened to detect potential risk to public safety. Also, licence holders are subject to continuous eligibility screening, which allows the review and, if required, the revocation of an existing licence, should a firearm owner become a public safety risk.

Firearms registration, another major component of the Firearms Program, also contributes to the safety of communities by, among other things, helping police distinguish legally-owned firearms from illegally-owned ones, identify stolen firearms, and track firearms when investigating gun crimes and gun smuggling. Police are making effective use of the Canadian Firearms Registry On-Line, which is a database that contains a subset of data contained in the Canadian Firearms Information System. In fact, law enforcement officers have queried the system approximately 3.4 million times since it was launched on December 1, 1998.

These are only a few examples of how the Canadian Firearms Program contributes to public safety.

The Canadian Firearms Program is making, and will continue to make an essential contribution to public safety. Canadians expect to live in a safe society and this Program helps achieve this goal.

AIRPORT PRE-CLEARANCE PROTOCOL— BODY SEARCH OF PARLIAMENTARY VISITORS FROM POLAND

(Response to question raised by Hon. Terry Stratton on October 26, 2004)

The incident in question occurred on Saturday, October 23, 2004 at Calgary International Airport. The Polish delegation to Canada passed through the usual security screening at Calgary International Airport.

The Department of Foreign Affairs Protocol officials informed the Polish Embassy prior to the delegation's visit that they would be subject to regular security screening measures. In Calgary the requested use of the VIP lounge meant the delegation had to pass from an unscreened area into a screened terminal. As a result, normal screening procedures applied.

They were advised that, as of September 11, 2001, Transport Canada decided that only Heads of State and Heads of Government would be exempt from security screenings.

The Parliamentary Protocol Office provided a representative to travel with the delegation. They had also informed the Polish officials prior to the delegations visit that regular screening measures would apply to all members of the delegation.

On Monday, October 25, 2004, the Canadian Ambassador to Poland, Ralph Lysyshyn, met with Mr. Henry Szlajfer, Director of the Polish Ministry of Foreign Affairs America Division, and expressed regrets that Speaker Pastusiak and some of the delegates were offended by their treatment in Calgary Airport.

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I would like to ask a question of the Leader of the Government in the Senate by way of a matter of order affecting the agenda of the house. With the impending visit of the President of the United States, all honourable senators are anxious to know whether the Government of Canada has extended an invitation to the President to address a joint session of the House of Commons and the Senate.

• (1500)

Hon. Jack Austin (Leader of the Government): Honourable senators, the Government of Canada has extended an invitation to the President of the United States. To my knowledge at this moment, we have not yet received the decision of the President of the United States.

Senator Kinsella: Honourable senators, since I know that committees may be travelling, and since honourable senators have been inquiring, does the leader know — if the President accepts the invitation — whether the visit would take place on Tuesday, November 30 or Wednesday, December 1?

Senator Austin: I cannot provide Senator Kinsella with that answer at the moment.

ORDERS OF THE DAY

DEPARTMENT OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Tommy Banks moved second reading of Bill C-6, to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts.

He said: Honourable senators, if we all were to make a list of the things that we hoped to achieve when we answered the call to come here, at or near the top of that list would be to affect public policy in the good interests of our country. We do that in many ways, including the dozens of amendments that we make to bills in this place, almost of all which are approved; but we also do that in the preparation of our committee reports.

I would call the attention of honourable senators to the report of October 2003 by the Standing Senate Committee on National Security and Defence chaired by Senator Kenny, called, *Canada's Coastlines: The Longest Under-Defended Borders in the World*, in which it was noted that the new state of affairs with respect to international and national security required that a new set of reins be put in place in order to coordinate the reactions of departments of government and agencies of government in respect of national security; that it had to be put into place by a senior person in the cabinet; and, in fact, that it had to be put into the hands of no less than the Deputy Prime Minister.

As most of us know, those things have been done. That recommendation has been followed. It is, therefore, my great pleasure to speak on this occasion to Bill C-6, to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts.

Honourable senators, we live in challenging and troublesome times. The events of September 11, 2001, and their aftermath still resonate deeply all through the Western world. We may wish that it were not so, but it is so. The terrorist attacks in Madrid last March demonstrate that we must heed threats to countries other than the United States. As we all know, Osama bin Laden has named Canada as a potential target.

In the face of these very real threats, Canadians expect their government to take prudent action and provide prudent leadership. They expect efficient and timely information sharing within and among a portfolio of authorized agencies that will protect our safety and security. They expect our government to adopt a cooperative approach that works across jurisdictions, disciplines and borders.

Honourable senators, Bill C-6 meets those expectations of Canadians in all those crucial areas. This proposed legislation will create a Department of Public Safety and Emergency Preparedness, a department that is vital to the security and well-being of all Canadians.

I should like to review the overall thrust of the bill, and then to highlight three amendments that were approved at the committee stage in the other place. However, before going further, I would refer you again to the recommendations that were made which gave rise to this bill and which were contained in the report of the Standing Senate Committee on National Security and Defence.

Bill C-6 will be a cornerstone of Canada's approach to safety and security in the years ahead. It will enshrine in law the departmental structure announced last December, and solidify the working relationships that have been put into place at and since that time. It will provide the legal foundation necessary for the department to meet its obligations in the areas of national security and emergency management — policing, law enforcement, borders, corrections and crime prevention.

The bill will enable the leadership and coordination necessary to ensure a more strategic and coherent approach to public safety and security than we have enjoyed in Canada previously. The new department will actually be part of a larger portfolio that includes the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Correctional Service of Canada, the National Parole Board of Canada, the Canada Border Services Agency, the Canadian Firearms Centre and three review bodies.

By creating this department, the government will be improving its ability to identify and close security gaps and to operate more strategically and horizontally to protect Canadians. Bill C-6 will establish the powers, duties and functions of the Minister of Public Safety and Emergency Preparedness, both in relation to the new department and in relation to the other agencies that make up the portfolio.

The lines of authority and accountability are clear. The Prime Minister retains overall control in matters relating to national security. Individual ministers of the departments of government continue to be responsible for their respective authorities. However, if a public safety or security issue arises that crosses departmental mandates, it will be the job of the Minister of Public Safety and Emergency Preparedness to coordinate the federal response. That minister will establish strategic priorities for the portfolio agencies to ensure that they are working in sync with one another.

However, in this interconnected global world, it is not enough to coordinate federal agencies. Canada also needs the authority to work with other governments and countries to protect our safety and security, and Bill C-6 provides this authority.

The proposed legislation explicitly authorizes cooperation with provinces, foreign states, international organizations and others on matters pertaining to public safety and emergency preparedness. It also facilitates the sharing of information among public safety authorities.

I know that for some Canadians the notion of information sharing raises concerns about potential encroachment on the privacy of law-abiding Canadians. I want to assure honourable senators, and to assure those Canadians as well, that this legislation provides no new powers to the Government of Canada to collect, disclose or share information. The Privacy Act, the Charter of Rights and Freedoms and the applicable Treasury Board regulations and policies will continue to apply in exactly the same way as they do today. In fact, the whole purpose of the information sharing provisions in this bill is to ensure that all appropriate and authorized public safety information is being properly shared.

In its October 2003 report, *Canada's Coastlines: The Longest Under-Defended Borders in the World*, the Standing Senate Committee on National Security and Defence recommended that the government expand information sharing amongst the departments, agencies, police forces and military in this country.

Last spring, the Auditor General of Canada pointed out that Canada needed to do a better job of sharing critical and time-sensitive information amongst the entities involved in protecting our security. Bill C-6 is, in part, a response to the clear need expressed in those comments to improve our information-sharing capacity.

• (1510)

Honourable senators, I would like to now review three amendments to the original form of the bill that were approved by members in the other place. I will begin by noting that during its hearings, the House of Commons Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness heard from many witnesses, including the Privacy Commissioner. While the committee was appreciative of Ms. Stoddart's interventions, they ultimately supported Minister McLellan's position that the current laws governing protection of

personal information are sufficient and appropriate; and, furthermore, that Bill C-6 does not in any way reduce or mitigate any agency's obligation to adhere to the Privacy Act, to the Charter of Rights and Freedoms or to any other laws governing privacy.

The first amendment concerns clause 5 of the bill: the coordination and leadership of the public safety and emergency preparedness portfolio. The committee in the other place approved an amendment that will effectively inscribe in the present bill a non-exclusive list of entities for which the minister is responsible.

The government did not support this amendment and argued that given the rapid pace of change in the security environment, the government needs the flexibility to adjust structures or create new ones in response to emerging threats. In short order, the list could very easily become outdated and lead to confusion.

The government also argued that other acts clearly spell out the relationships between the minister and various agencies such as the RCMP and CSIS, and that there was, therefore, nothing to be gained from including the name of some, but perhaps not all, of the entities in the security portfolio in this legislation. That said, the government accepted the will of the committee and accepted the amendment as approved, and it is now in the present bill.

The second amendment, proposed by the Bloc, greatly concerned the government, so much so that it sought an amendment at report stage to strike the Bloc's amendment from Bill C-6. The amendment concerned the clause 6 of the bill, which explains the minister's functions. The clause was amended at committee to state explicitly that the minister would exercise his or her powers "with due regard to the powers conferred on the provinces and territories."

Honourable senators, it goes without saying that the Government of Canada respects constitutionally prescribed provincial jurisdiction, but it was the view of the minister and the government that the amendment and the sentiment it expressed brought no added value to the bill; it was saying something that did not need to be said. In fact, it was both redundant and unnecessary. It was redundant because ministerial powers must always be exercised within federal constitutional jurisdiction, and it was unnecessary because clause 4(1) of this bill already establishes and circumscribes the scope of the minister's power under the constitution.

This matter was discussed at length during the report stage and, as I said, the government brought forward its own amendment to strike the Bloc's amendment from Bill C-6. The government's amendment was voted down, but the government agrees with the position stated in the other place by members of both the Conservative Party and the New Democratic Party that the Bloc's amendment should not become a precedent for other legislation. The government will, therefore, treat the Bloc's amendment as, at most, a clause for greater certainty — a reminder that the minister cooperates with provincial authorities in the exercise of their proper respective jurisdictions in areas of national and local importance.

The third amendment, honourable senators, concerns the coming into force of the act itself. The committee believed that the original formulation of the bill as it was then drafted might allow the government to bring certain articles of the act into force at different times. The amendment, which is now incorporated into the bill, ensures that the act, other than sections 35 and 36, comes into force all at once.

I am pleased to say that this amendment received all-party support. This show of unanimity underscored the depth of commitment to the security and safety of Canada that was at the core of the debate. Certainly, there were differences of opinion, but even in the heat of discussions the government never doubted for a moment that all parties had Canada's best interests in mind.

I know, honourable senators, that we in this chamber share with all Canadians an unwavering commitment to preserving the safety and security of our nation and its people. I believe that the legislation before us is a strategic and effective response to ensure that the government can fulfil this vital mandate.

Bill C-6 provides the necessary legal foundation for the Department of Public Safety and Emergency Preparedness, a department that has never been as necessary as it is today. I urge all honourable senators — and I urge it in the interests of all Canadians — to give their full support to this bill.

Hon. Anne C. Cools: Honourable senators, would the honourable senator take a question?

Senator Banks: Yes.

Senator Cools: I have been listening to the senator with considerable attention and trying to make some sense of the bill that is before us. I must begin by saying to the honourable senator that I do not share his enthusiasm for the bill, but we will leave that for another day.

My questions have to do with clauses 6(2), 6(3) and 6(4) of the bill. They essentially go to the heart of the matter, which is that the minister has been empowered to establish advisory or other committees, not only to establish them but to be able to bankroll them in terms of salaries, reimbursements and expenses. Can Senator Banks tell us what these committees would be committees of? Would they be committees of cabinet? They are certainly not committees of Parliament. I wonder if the honourable senator could tell us what a committee means according to those clauses, because there is no such constitutional entity, to my knowledge.

• (1520)

Senator Banks: Honourable senators, I would begin by explaining that, as far as I can tell, this bill contains nothing to do with policy. This is a mechanical bill, which gives a constitutional and legal form to steps that have already been taken. I very much doubt if we could find a bill establishing any department of the government which does not authorize the minister to establish advisory committees. I have had the honour to serve on several advisory committees. They are frequently and commonly established by ministers under the provisions of legislation. The empowerment of the minister to do so in this case is stated in the bill. Advisory committees are not committees of Parliament. As it states in the bill, they are advisory

committees, nothing more, nothing less. Two advisory committees are in the process of being organized. One will deal with the impingement of security measures into matters of personal privacy. It will be a round table comprised of people concerned with human rights who will advise the minister on that aspect of authorities granted by the passage of this bill. The other one that I know of — and there may well be more — will be a committee of Canadian citizens not involved in government who will advise the minister on the application of authorities under this bill.

I reiterate that the establishment of advisory committees of citizens by ministers is a long-standing and common practice by the Government of Canada. The first one to which I was appointed was under the government headed by Mr. Mulroney.

Senator Cools: I am curious about this long-standing practice. Were those advisory committees that the honourable senator served on created by statute?

Senator Banks: Advisory committees per se are not created by statute. The authority is given in statute to the ministers to establish advisory committees.

Senator Cools: Perhaps the honourable senator could provide me, on behalf of the government, with a list of the statutes authorizing ministers to establish these committees. I would be happy to see that.

I should like to move on to my next question. Could Senator Banks give us a description of the constitutional position of these committees? What is the relationship of the committees to the minister, to Parliament, to cabinet and to the people of Canada?

Senator Banks: Honourable senators, these advisory committees have no relation to the Parliament of Canada. They are not a function of the Parliament of Canada. They are committees struck to advise the minister.

Senator Cools: I shall respond to all of this in due course.

There is a word in the bill, and I heard Senator Banks utter this word a couple of times, "entities." Could the honourable senator provide us with an explanation of the meaning, in law, of the word "entities?"

Senator Banks: Honourable senators, I could give you only examples, and I do not know whether those examples will be exhaustive. I am an entity and you are an entity, senator. CSIS is an entity; the Government of Canada is an entity; the various agencies of government are entities, et cetera.

My understanding is that a person is an entity.

Hon. J. Michael Forrestall: Honourable senators, my question relates to the amendment of removing a fixed date of proclamation. Could the honourable senator tell us if that is as open ended as other aspects of this particular bill, born out of the necessity of the activities of an office of this nature? Can the bill be amended from time to time and can separate coming into force dates be set then?

Senator Banks: Honourable senators, any part of any bill can be amended at any time by Parliament, except one which would run afoul of the Constitution.

The amendment regarding the coming into force section of this bill was not one which removed or created the authority of the Governor-in-Council to bring the bill into force. It was an amendment which had the effect of ensuring that, when the bill was brought into force by the Governor-in-Council, all sections of it, except sections 35 and 36, would be brought into effect at the same time. It was felt in the committee of the other place that the previous wording of the coming into force section might allow the government to bring the bill into effect piecemeal. They wanted to ensure not only that that was not the intent of the government but also that the government could not do that.

If you carefully read the coming into force section you will see that the whole bill, with the exception of sections 35 and 36, which are coordinating amendments and subject to the enactment of other legislation, must be brought into force and effect at the same time by the Governor-in-Council.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I have a question for Senator Banks. We all recognize that the machinery of government is a prime ministerial prerogative and that this Prime Minister has designed his government in this way. The authority to do what they have been doing since the government was sworn in is pursuant to the Financial Administration Act; am I correct in that?

Senator Banks: Honourable senators, I do not think it is pursuant to the Financial Administration Act, although it allows for provisions of the Financial Administration Act to the extent that they would normally apply to this bill. The honourable senator is asking me where the present authority comes from. He is referring to the authority for the government to act and for the minister to act in the way the minister has been acting since the de facto change in this in December. That authority lies in the Solicitor General Act, which this replaces.

All of the bills that have been drafted to this date and to the moment this bill becomes proclaimed are done under the authority of the Solicitor General Act. In fact, the Minister of Public Safety and Emergency Preparedness is acting today as the Solicitor General of Canada. All of the entities that will be created under this act will be held responsible to the Solicitor General of Canada, and that is the authority being wielded today by the minister.

Senator Kinsella: Honourable senators, I think the Financial Administration Act and the Public Service Rearrangement and Transfer of Duties Act apply.

In reply to a question from an honourable senator, Senator Banks mentioned that amendments could be made to any statute. Obviously, an amendment could be made to this bill, and should an amendment be made and the Prime Minister not like it, of course he could reorganize departments again, utilizing the authorities of the Financial Administration Act and the Public Service Rearrangement and Transfer of Duties Act.

Are we going around in circles or chasing our tails? We deal with this machinery legislation every time a Prime Minister wants to rearrange the ministries. Would the honourable senator agree with me that this indeed could be the effect of an amendment? I will add a part B to my question and then I will resume my seat.

We are dealing with the Solicitor General Act. There is a difference between the role played by the Solicitor General under our system and many parliamentary systems. In many parliamentary systems, the Solicitor General is not an elected official but a senior part of the bureaucracy and administration. Given the special relationship between the Crown and the Solicitor General, as there is with the Attorney General, does this not also equally require us, before accepting the principle of this bill, to be sure that there is not a constitutional problem being created by this attempt to abolish the Solicitor General act?

• (1530)

Senator Banks: To answer the first question of Senator Kinsella, I do not think this is a case of the government chasing its tail. As the honourable senator has pointed out, each time there has been a reorganization by a government at any time, of whatever stripe, it is done under the authority of the Public Service Rearrangement and Transfer of Duties Act, which permits the Governor-in-Council to transfer portions of the public service from one department to another. This is, again, common.

I doubt very much that it would be the government's intention to do a tap dance in the event of an amendment such as the honourable senator suggests in order to make any substantive changes to the intent of this bill. The intent of the government to proceed with this proposed legislation is clear in the fact that it has, without undue resistance, agreed to two amendments to which it fundamentally disagreed, but which were not sufficient to obstruct the passage of the bill or to reroute it to another place.

I suspect that the answer to the question is no. However, I stress again that the relationship that we are talking about here between the minister as proposed under this bill and the portfolio agencies that exist today is already grounded in the enabling legislation of the acts that create those entities — the RCMP Act, the CSIS Act and the Corrections and Conditional Release Act, for example. Those acts establish the relationships with what is now the Solicitor General.

There is some matter of substance in the present bill, but with regard to what I think the honourable senator is talking about, this is a name change and not much more. I would also observe that, to my knowledge, for the vastly larger proportion of recent history, the Solicitor General has been an elected member, as has the Attorney General.

Hon. Serge Joyal: Honourable senators, I have several concerns, and I apologize to the Honourable Senator Banks for not having informed him of them ahead of time. I listened to him carefully, and I went through the clauses of this bill.

My first concern is that, in previous discussion or debates in Canada before September 11, there was great reluctance in many circles in Canada concerning the establishment of what in Europe they call a minister of the interior, which means giving to one person of government access to everything. It means that you concentrate in the hands of one person the power over individuals. I, for one, and I say it this candidly, have always resisted that notion in our system. Having said that, I will read clause 4 of the bill. I know that Senator Banks has read it but, for the record, I will quote it. The clause is titled "Powers, Duties and Functions of the Minister."

4(1) The powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction — and that have not been assigned by law to another department, board or agency of the Government of Canada — relating to public safety and emergency preparedness.

[Translation]

It could be said to be a far-reaching provision.

[English]

In other words, we cover many issues in the description of the responsibility of that minister that did not exist before with the previous Solicitor General's status, as far as I can understand from the previous act.

I do not know to which committee this bill will be referred, but I think it would be important to compare the two concepts, the one that we understand generally by what is included in the ministry of the interior versus the concept as it relates to this minister now. That is my first question.

Secondly, if we are to concentrate more power in the hands of one person, there must be a counterweight, and I come back to Senator Grafstein's point when we discussed Bill C-36, the anti-terrorist legislation. As much as you give extraordinary power to one unit, you need to counterweight that with an oversight mechanism. In this bill, the oversight mechanism might be provided with the advisory committee that Senator Cools mentioned. Clause 6(2) of the bill states:

(2) The Minister may establish advisory and other committees and provide for their membership, duties, functions and operations.

It is not entrenched in the bill per se. The oversight mechanism is not part of the bill. The minister may decide. It is not an obligation. It is not part of the structure of the department. That is my last concern when reading this bill.

Perhaps the committee that will study this bill should put even more emphasis on the second issue if we reach the conclusion that we are giving to this minister an overload of power and responsibility, because the oversight mechanism is even more necessary if we reach the conclusion in response to the first question that this is what we are doing.

As my colleagues would say, under the guise of a rearrangement of administrative responsibility, we are, creating something that at first sight might not be exactly a simple administrative rearrangement but, in fact, an over-concentration of power in the hands of one minister, with no mechanism to counterweight it for the protection of the public interest and, of course, the rights of citizens.

Senator Banks: I thank the honourable senator. I am always informed by Senator Joyal's questions. I absolutely agree with him. If the concentration of power that he sees might exist in this bill, does in fact exist, then it would need to be considered very carefully. However, I think that it does not.

I would revert to an undertaking that I will make to the honourable senator. The wording in clause 4 with respect to the establishing of departments of government could almost be referred to as boiler plate, and the description of the duties and responsibilities of ministers are often expressed in ways either exactly like this or very similar to this — in other words, they state that duties and responsibilities which have not been given by acts of Parliament to other ministers and that fall within the purview that is stated in the present legislation are the responsibility of the minister. That kind of language is used in a number of statutes. Matters of national security and national defence having to do with the Minister of Fisheries and Oceans, the Ministry of Transport, the Minister of National Defence, the Minister of the Environment and others, for example, presently fall under legislation that places the responsibility in the hands of those ministers or other members of the ministry. This proposed legislation does not have the effect of stealing that power or concentrating that power.

• (1540)

I refer back to the original recommendations of the Standing Senate Committee on National Security and Defence, chaired by Senator Kenny, which I think is the well spring of some of these actions. The point was not to concentrate the power in the hands of a minister. The point was to cut across the silos that existed and ensure that there was a coordinating function, which was previously absent. This was to ensure that in the event of an event, there would be a person designated to sort out the question of — if I can put it this way — who is driving the bus. The answer to that question will be different on the occasion of each threat as it manifests itself. Sometimes the person driving the bus will be the Minister of National Defence, the Minister of Fisheries and Oceans, or the Ministry of Transport. It is the coordination of the efforts among the various ministries that have various responsibilities having to do with national security and defence that is addressed by the creation of this ministry, not the concentration of the power in and of itself. In fact, no new power that does not already exist is created in this proposed legislation if it becomes an act.

As for oversight, I can only refer hopefully to the future. The Prime Minister has undertaken that he wishes to put in place parliamentary oversight on questions of national security and intelligence and has made some moves in that direction. We do not have that in the Parliament of Canada at the moment in the same way and to the same extent that it exists in the parliaments

[Senator Joyal]

of the United Kingdom, Australia, or, certainly, the United States or many other nations. The Prime Minister has undertaken to move in that direction. I have some hope that there will be parliamentary oversight of matters having to do with national security and intelligence. A report has been made to the Prime Minister's Office by a committee of parliamentarians that examined that question over the past summer.

I merely point that out to agree with the senator that there is no parliamentary oversight on these questions because questions regarding the things dealt with in this bill and bringing together the authorities in the other acts prior to the events of 2001 were never even contemplated by anyone.

We are about to examine and review Bill C-36. It allows things to be done that we would all rather did not ever have to be done and that I would like to get rid of as soon as we possibly can. In the meantime, there are imperatives that have been met by extraordinary legislation and we are facing extraordinary threats. Those threats are dealt with by this bill, but not in any way as to steal power that already exists in other departments or to create any new power for the Government of Canada. This is a coordinating function and this is a bill of the machinery of government and nothing more.

I agree with the original contention of the honourable senator that if this is found to bring about a concentration of power that would be comparable to a ministry of the interior, it would have to be looked at very carefully.

Hon. Jeremiah S. Grafstein: Senator Joyal raised an issue and perhaps I might give my take on it. He and I did work on the terrorist bill and had major concerns that we were rushing to give power without an ample review of how that power could be given oversight.

There are three simple ways to provide oversight. The first is committees. Nothing prevents any committee of this chamber to undertake a review of the particular work within a department. Whether the Prime Minister established one for intelligence or not, there is nothing to prevent a resolution passing in this chamber for a reference to any committee to do an oversight of the intelligence committee, for example, as it exists.

What Senator Joyal is alluding to is that this is an extraordinary measure, adding and centralizing power by means of coordination and otherwise.

The second method of oversight is a sunset clause stating that at the end of a particular period of time the legislative objectives of the statute could be reviewed to see whether they were fulfilled in a fair and equitable fashion.

The third method that the honourable senator alluded to as well, which I think is absent in this bill, is internal oversight. In other words, the minister sets up, as one minister does in the Department of Justice, an internal advisory committee that acts as a forum of internal oversight within the context of the legislation.

Is it the view of the honourable senator that this middle element is in this bill, or absent from this bill or not really addressed?

Senator Banks: I believe it is in this bill.

I want to correct a misimpression I might have given. I did not mean to say — and I hope that I did not say — that there is presently no parliamentary oversight of national security issues because that obviously is not true. As my honourable friend says, any committee can examine anything it likes.

The oversight to which I refer is the kind that requires that the parliamentarians who undertake it have security clearance to the level that they can ask the rude questions. We now know that we bump into the glass ceiling sometimes when we ask those questions. That is the kind of oversight to which I was referring.

Honourable senators, I believe that not only are those internal oversight provisions in this bill, but their intent has been made clear by the existence in form, if not in practice yet, of recruitment of the two advisory committees to which I referred, one of which has the specific task to advise the minister with respect to intrusiveness that might be untoward. For example, we have laws in this country now that permit us to make lists of people, and that is part of the authority referred to in this present bill.

The round table on these questions, which has been announced — I believe it is been announced and has certainly been contemplated by the minister — is for the specific purpose to wag a finger, if necessary, to say, "No, you must not go in that direction or go too far."

The second committee is an advisory committee of citizens at large from across the spectrum of the community. Its purpose, to use the colloquial, is to bounce things off of and to react to this.

In addition, there are the respective committees of both Houses of Parliament, which can ask the same questions or go in the same direction.

I believe that internal oversight — or insight perhaps would be a better phrase — exists in the bill and is already in train to be put in place.

The Hon. the Speaker *pro tempore*: I regret to inform the honourable senator that his time has expired. Does he wish to request leave to continue?

Senator Banks: I would be happy to ask for leave to answer another question.

The Hon. the Speaker *pro tempore*: Is leave granted?

Some Hon. Senators: One more.

Senator Cools: I am always struck by the willingness of Senator Banks to dialogue with senators. I laud his efforts to attain more parliamentary oversight. I want him to know that those feelings or thoughts are widely shared. The question, however, is how to get that parliamentary oversight.

My question follows on the reference of Senator Banks to the enabling legislation, that is, the Public Service Rearrangement and Transfer of Duties Act that Senator Kinsella referred to in his question.

Honourable senators, there has been in this country, for quite some time, a government tradition, custom, convention that departments ought not to be established by Order-in-Council and that if Order-in-Councils are so used they should be followed very quickly with the legislation.

• (1550)

Senator Banks has said that these Orders-in-Council creating a merging and remerging of these various departments — and contrary to what the honourable senator thinks, creating new powers — were completed a year ago. I believe the exact date is December 12, 2003, or thereabouts.

Could Senator Banks share with us the reasons why the government delayed for an entire year to bring the legislation that would support the creation of these departments? I recognize that there could be a flippant answer to that, which I am not interested in, that an election intervened. It seems to me, nevertheless, the government had ample time to introduce legislation to support the creation of this super ministry. They had ample opportunity. Has Senator Banks any insights as to the causes of the delay of one year? If he does, would he share those with us?

Senator Banks: If anybody knows, the honourable senator knows that I do not have any insight into the machinery of government. I appreciate the compliment that the honourable senator gave me with respect to parliamentary oversight, but the compliment is due to the Prime Minister, not me. It is he who took the initiative.

I do not want to be argumentative, but it is not right to characterize this as a “super ministry.” That is not the case. This bill does not propose, and the legislation that will derive from it does not have the effect of, removing authority from any other department of government. This is not a super ministry.

As to the delay — and I do not think that is a fair characterization, either — I do not think that a reference to an elections comprises a flippant answer. The fact is that there was an election. I cannot tell the honourable senator, but I will undertake, if she wishes, to find out when this bill was introduced in the other place. I am not surprised to know, as I do, that this bill spent some time in the other place, and that great diligence was brought to it in the second and third stages of it in the other place. I cannot complain about that time having been taken, but I will undertake to find out the date that this bill was introduced.

Senator Cools: I am in the process of moving the adjournment. However, the answer to the question that Senator Banks just gave to me, or was attempting to give to me, is that this Bill C-6 was only introduced in the House of Commons around October 6, just a few weeks ago. In my question, I was driving at the importance of any government moving the Order-in-Council and the enabling legislation in the same session of Parliament. I was alluding to that. However, I understand the response.

On motion of Senator Cools, debate adjourned.

[Senator Cools]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIRST REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Committee on Internal Economy, Budgets and Administration (budgets of certain committees) presented in the Senate on November 17, 2004.—(*Honourable Senator Furey*)

Hon. George J. Furey moved the adoption of the report.

Motion agreed to and report adopted.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY ISSUES DEALING WITH DEMOGRAPHIC CHANGE

Hon. Jeremiah S. Grafstein, pursuant to notice of November 16, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with the demographic change that will occur in Canada within the next two decades; the implications of that change for Canada's economy, labour market and retirement income system; and federal actions that could be taken to ensure that any implications of future demographic change are, to the extent possible, properly addressed; and

That the Committee submit its final report no later than June 30, 2005.

He said: Honourable senators, I rise today to seek your support for the Standing Senate Committee on Banking, Trade and Commerce's study on demographic change in Canada. I should like to acknowledge Senator Massicotte, from Quebec, who persuaded the committee to undertake the study. His research and work will be integral to the study.

The committee plans to hold a one- or two-day round table with leading experts on the issues surrounding demographic changes that will occur in Canada over the next two decades. We will focus on the implications of demographics on Canada's economy, labour market and retirement income system. What will become of the safety and security of our pensions if there are too few people working? What government actions could be taken to ensure that negative implications of future demographic change can be properly addressed to the extent possible? We will seek to highlight this invisible problem before it overtakes us.

It is our plan to report back to the Senate in the new year with the results of the committee's round table discussion and then decide if a more detailed study is warranted.

The Hon. the Speaker pro tempore: Is the house ready for the question?

Some Hon. Senators: Question!

Hon. Terry Stratton (Deputy Leader of the Opposition): Would Senator Grafstein tell us if the budget been approved for this, or is there a budget attached?

Senator Grafstein: Before we proceed, a budget will be attached.

Senator Stratton: Does the honourable senator have any idea of the number as yet?

Senator Grafstein: I believe the budget will be quite modest as it involves a one- or two-day hearing here in Ottawa.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY ISSUES
DEALING WITH INTERPROVINCIAL
BARRIERS TO TRADE

Hon. Jeremiah S. Grafstein, pursuant to notice of November 16, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with interprovincial barriers to trade, in particular the barriers that exist; the extent to which they are limiting the growth and profitability of the affected sectors; and measures that could be taken by the federal government to facilitate the elimination of such barriers in order to enhance trade; and

That the Committee submit its final report no later than June 30, 2005.

He said: Honourable senators, I rise today to seek your support for the Standing Senate Committee on Banking, Trade and Commerce study on interprovincial trade barriers. At the outset, I should like to acknowledge our colleagues, Senator Kelleher and Senator Fitzpatrick, for their work on this issue and their efforts to inspire the study.

Honourable senators, the committee plans to hold a one- or two-day round table discussion with leading experts who have grappled with the complex issues of interprovincial trade. We will explore the obstacles and barriers that exist; the extent to which these obstacles limit the growth of sectors of our economy; and what measures can be taken by the government and the private sector to facilitate the reduction and the elimination of such barriers in order to enhance the Canadian marketplace and ignite even greater trade and growth.

It is our plan to report back to the Senate with the results of the committee's round table discussions and then decide if a more detailed study is warranted early in the new year.

I thank you for your support for this resolution.

Some Hon. Senators: Question!

Hon. Terry Stratton (Deputy Leader of the Opposition): My question would be the same as my previous one on the last motion. Am I correct in my understanding that it will be only a one- or two-day round table which will require a very modest budget?

Senator Grafstein: Honourable senators, the same answer applies.

Senator Stratton: I will move to the third motion standing in the honourable senator's name. Would I be correct in assuming that the same questions will apply, and the same answers will be given?

Senator Grafstein: That is correct.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

• (1600)

COMMITTEE AUTHORIZED TO STUDY ISSUES
DEALING WITH RATE OF PRODUCTIVITY

Hon. Jeremiah S. Grafstein, pursuant to notice of November 16, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with productivity, in particular the rate of productivity in Canada and in relation to our major trading partners (especially the United States); the extent to which the rate of productivity is limiting economic growth and the well-being of Canadians; and federal and other measures that could be taken to enhance Canada's rate of productivity growth and competitiveness; and

That the Committee submit its final report no later than June 30, 2005.

He said: Honourable senators, I rise today to seek your support for the Standing Senate Committee on Banking, Trade and Commerce study on productivity. I should first like to acknowledge our colleague and the Deputy Chair of the Banking Committee, Senator Angus, who championed this issue and helped to ensure that the work would get done.

Honourable senators, the committee plans to hold a one- or two-day round table with leading experts on the rate of productivity in Canada and the relationship of that productivity to our major trading partners, especially the United States; and the extent to which our rate of productivity is limiting our economic growth and the well-being of all Canadians. What measures can be taken by the government in the private sector to enhance Canada's rate of productivity growth and competitiveness will be explored.

It is our plan to report back to the Senate in the new year on the results of the committee's round table discussions and then decide if a more detailed study is warranted. I thank honourable senators for their attention to and their support of this resolution.

Motion agreed to.

[Translation]

THE SENATE

RULES OF THE SENATE— MOTION TO CHANGE 135—DEBATE ADJOURNED

Hon. Raymond Lavigne, pursuant to notice given on November 17, 2004, moved:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

135.1 Every Senator shall, after taking his or her seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (*full name of Senator*), do swear (*or solemnly affirm*) that I will be faithful and bear true allegiance to Canada.

He said: Honourable senators, thank you for giving me leave to speak about our country, Canada. Canadians have a feeling of belonging to their country that is much more important than political allegiance.

Rest assured, the purpose of my motion is not to change anything in the Constitution. It has to do with rule 135 concerning the oath sworn to Her Majesty Queen Elizabeth II. It would be an addition to the *Rules of the Senate* and not to the Constitution. Many senators have asked me if the purpose of my motion was to amend the Constitution. No, that is not my intention. The oath of allegiance honourable senators swear to Her Majesty Queen Elizabeth II will remain. My motion adds paragraph 135.1 to the *Rules of the Senate*. It has to do with the oath of allegiance to our country, Canada.

The oath of allegiance senators now swear or affirm will in no way be changed. As you know, an amendment to the Constitution is very difficult because a number of provinces would ask for changes.

I am putting no blame on Senator Murray, who, the day after I was sworn in, told me that I should not have sworn allegiance both to the Queen and to my country, Canada. He was entirely correct in saying so.

Honourable senators, I would like to table 554,801 letters of support from Canadians who wrote to me following my swearing-in and expressed their support. These individuals or groups are Canadians from all walks of life, farm women, lawyers, accountants, public accountants, chambers of commerce, legions, and so forth.

I seek leave, honourable senators, to table these letters.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Lavigne: It is not my intention to amend the Constitution, but to add after rule 135 on swearing allegiance to Queen Elizabeth II, paragraph 135.1 on swearing allegiance to Canada.

Honourable senators may perhaps think that we are the only ones to swear allegiance to our country. You should know that parliamentarians in Belize, Bulgaria, the Czech Republic, Estonia, Greece, Jamaica, Malaysia, Malta, Nigeria, Pakistan, Poland, Romania, Slovakia, Turkey, Ukraine and Zimbabwe do so as well.

• (1610)

Some of you would even say it is not the Queen of England, but the Queen of Canada. That is true, I agree. However, the general public thinks we have sworn allegiance to the Queen of England, not the Queen of Canada.

That is why I am presenting this motion to ensure that Canadians know that our country, Canada, truly exists. Some senators might think this motion is political and that they have to stop everything that comes from the other side of the House. That is not true.

Honourable senators, remember that you were appointed to the Senate of Canada based on your merit. Some of you were even elected by the constituents of a riding for many years. I hope you will hear the cry of the Canadian public.

Honourable senators, let us stop being afraid of change. Would taking an oath to our country be so wrong? I do not think so. Nor do I think that 554,801 people across Canada would say you are making a mistake by supporting this motion. On the contrary, we must recognize that we live in a country that we love as much as most people in the world, if not more.

For example, how many people around the world would like to live in this country? And we have not even taken an oath of allegiance to our country, Canada! That is totally illogical. Should we defeat this motion, we would be like the person who owns something precious but, in time, loses sight of its value and does not even appreciate it anymore.

Ours is the most beautiful country in the world; let us be strong and not fear change.

I realize that an honourable senator could adjourn the debate today or ask that this motion be referred to committee, and that, eventually, the motion might die on the Order Paper. Conversely, if this is your wish, honourable senators, you could vote on this motion and give it the unanimous consent it deserves.

Do not take our country for granted. If we adopt this motion, in the eyes of 554,801 people, we will be viewed as people who appreciate, respect and recognize this great country of ours, Canada.

Honourable senators, who would have thought that we would see the day when a separatist political party formed the official opposition in Canada? Who would have thought that the members of this separatist party would continue to sit in Parliament and that some of them would even be paid a pension by this great country, all the while continuing to seek separation? And you are afraid of being afraid?

Look at people in the United States. Are they not proud to wear their country's emblem? There are even some Canadians who wear the American emblem with pride. And we are afraid to swear allegiance to Canada? It is high time, after 140 years of existence for this beautiful country, that we show some recognition and loyalty to it.

At Pierre Elliott Trudeau Airport, we had RCMP officers who were wearing the scarlet uniform and the brown hat and who represented Canada, in the minds of people. And do not try to tell me otherwise, because even here on Parliament Hill we have an RCMP officer who rides a horse, and wears the same scarlet uniform and brown hat. Tourists like to have their picture taken with this Canadian symbol.

Quebec and Ontario replaced the RCMP with provincial police forces. In the rest of Canada, it is the RCMP that looks after people's safety. We are in the process of closing all RCMP offices in Quebec. Just ask the member for Brome-Missisquoi, the

honourable Denis Paradis! We have allowed Quebec to set up an immigration office at Pierre Elliott Trudeau Airport and choose its own immigrants.

Honourable senators, would it not be legitimate for us to pledge allegiance to Queen Elizabeth II, as stipulated by the Constitution, and in addition to pledge allegiance to our country, Canada?

It is time to say that these 554,801 people from all regions of Canada are right. Honourable senators, you have a unique opportunity to tell them that it is legitimate to pledge allegiance to our country, Canada, and that this is not a political issue between parties. Thank you, honourable senators. Long live Canada!

On motion of Senator Rompkey, debate adjourned.

The Senate adjourned until Wednesday, November 24, at 1:30 p.m.

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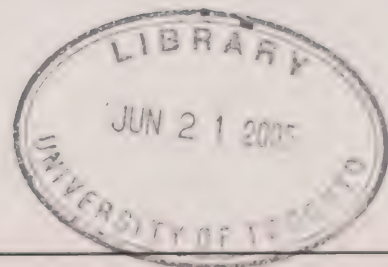
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OFFICIAL REPORT
(HANSARD)

Wednesday, November 24, 2004

—

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, November 24, 2004

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, we have some very special guests with us today.

I draw your attention to the presence in our gallery of our former colleague and former Governor General of Canada, the Right Honourable Roméo LeBlanc.

On behalf of all honourable senators, I wish to welcome him back to this chamber.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: I also want to draw to your attention the presence in the gallery of George Bowering and Pauline Michel, our new Parliamentary Poet Laureate. Welcome to you both.

Honourable senators, we also have the privilege of welcoming to our gallery His Excellence Oum Sarith, Secretary General of the Cambodian Senate, His Excellence Chan Ven, Deputy Secretary General of the National Assembly of Cambodia, and Moul Sasnak, advisor to the Secretary General of the Cambodian Senate.

Welcome to the Senate of Canada.

[English]

Finally, honourable senators, I draw your attention to the presence in the gallery of a group of students from a second year political history class at Carleton University. The students in the gallery are accompanied by Professor Kerry Badgley of Archives Canada.

On behalf of all honourable senators, welcome.

[Translation]

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE YVES MORIN, O.C.

The Hon. the Speaker: Honourable senators, I received a notice earlier today from the Leader of the Government who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended for the purpose of paying tribute to the Honourable Senator Yves Morin, who will retire from the Senate on November 28, 2004.

I remind honourable senators of the rule regarding the time limit of three minutes per senator.

[English]

Hon. Michael Kirby: Honourable senators, it is with enormous regret that I rise to say farewell to our colleague, and my good friend, Yves Morin, who is retiring from the Senate today.

Senator Morin has been a member of this chamber since early 2001. During this nearly four-year period, he has made a truly outstanding contribution to health policy, both as a member of the Standing Senate Committee on Social Affairs, Science and Technology and as a special adviser on health research to the Minister of Health.

Dr. Morin was appointed to the Senate after a long and distinguished career as a cardiac surgeon, as a health professions educator at Laval University, where he was Dean of Medicine, and as a medical researcher, who was a member of the committee that recommended the creation of the Canadian Institutes of Health Research. His service to medicine in Canada has been recognized by his appointment to both the Order of Canada and l'Ordre National du Quebec.

• (1340)

It was his extraordinary experience in medicine that Senator Morin brought to bear on the health policy work of the Standing Senate Committee on Social Affairs, Science and Technology. The committee's work in the health care field, beginning with its six-volume report on the acute care system and continuing with the three-volume report on mental health that was released yesterday, benefited enormously from Senator Morin's experience. Indeed, Senator Morin's contribution is one of the principal reasons that the committee's health care reports — and I suspect the same will be true for its mental health report — have had the very significant public policy impact they have had.

Yves edited every word of every draft of every volume. He recruited experts from across the country to review specific sections of the various reports to ensure that they constituted a significant contribution to health policy. In short, consistent with his academic background, Senator Morin ensured that the committee's health care reports passed a stringent peer review test, and passed with flying colours.

Senator Morin did a lot of his work on the health reports from his home in Quebec City and, during the summer, from his country home in Les Eboulements. Indeed, I personally owe a heartfelt thanks to his wife, Marie, who is sitting in the gallery. The tolerance and understanding she showed when my repeated phone calls, faxes and e-mails interrupted their time together, particularly on weekends throughout both the summer of 2002 and the summer of 2004, was very much appreciated.

Thank you very much, Marie, for letting me encroach on your private time with Yves as much as I did.

Yves, your commitment to the cause of improving the health of Canadians and Canada's health care system is outstanding. Your willingness to use that commitment to help the Senate, and in particular the Social Affairs Committee, become the principal focal point for health policy debate in Canada is something for which all of us in this chamber will be forever grateful.

Much more importantly, your work on health policy over the past four years is your lasting legacy to all the people of Canada. On their behalf, I want to thank you for all you have done. On my own behalf, I want to thank you for becoming such a dear friend in the past four years.

[Translation]

Hon. Wilbert J. Keon: Honourable senators, I stand before you today to mark the departure of our colleague and friend, Senator Morin. I have known him for many years, as we both pursued the same area of cardiology in our careers. He made a significant contribution to medicine regionally, nationally and internationally.

[English]

Yves, as we have known him, was everywhere. I wish to mention just a few of the organizations in which he played a role. They include: the Canadian Cardiovascular Society; the Heart and Stroke Foundation; the Medical Research Council of Canada; the Canadian Institutes of Health Research, during their creation; the Association of Canadian Medical Colleagues, as Dean of Laval University; the World Congresses of Cardiology, which we hosted in Canada and participated in abroad. The last committee I shared with him was the Scientific Advisory Committee to the Minister of Health chaired by Roberta Bondar. He was a monumental contributor at every level.

Senator Morin came here three and a half years ago from a lifetime of service to Canadians, to his patients, his university, and through medical research. He carried these qualities here and, in so doing, he has added very greatly to this place.

Senator Morin's focus on the interest of patients is evident at many levels. He has spoken often about health care concerns, reminding us about activities across Canada in areas such as cancer, multiple sclerosis, osteoporosis, AIDS, diabetes, stroke awareness, Alzheimer's, Parkinson's and, earlier this month, chronic pain.

He took the fire safe cigarette bill, a private member's bill that had made it through the other place, and ensured its passage here. Without his perception that it would save the lives of Canadians, and his skilful persistence, this bill would likely have languished. It will come into force at the end of this year. It will save lives, particularly lives among the less fortunate in our society.

He also led us through complex and difficult discussions on the assisted human reproduction bill. I believe that most of us were torn by the many competing and conflicting issues that were raised by this bill. Senator Morin constantly reminded us that though we might have had serious difficulties with specific aspects of this bill, failure to pass it would in the end do much more harm than good to Canadians by leaving this broad and pivotal area of health care and research essentially uncontrolled.

Senator Morin's focus on research was also evident in his work for the Library of Parliament, which he has supported vigorously through the joint committee and on which so many of us depend for continuing objective analysis.

Personally, I have been continually grateful to Senator Morin for his dedicated, incisive and constructive work on the Standing Senate Committee on Social Affairs, Science and Technology. The two major recent reports from the committee on the federal role in health care, and the first report on mental health published this week, have both benefited enormously from his input, perhaps most notably by his insistence that they address issues of research and of ethics. I intend to ensure we do not forget these lessons.

Honourable senators, in addition to this place losing a dedicated servant of Canada, we will also lose a colleague who focuses on service and not on personal glory or recognition, and a friend whose wise counsel, lively curiosity and intellect, and delightful sense of humour have enlightened and enlivened this place.

Old friend, leaving this place does not mean your work is done. You are still young and possess a veritable encyclopedia of knowledge that will continue to be drawn upon.

Honourable senators, although we will miss him, we will be back to visit him very often.

Hon. Senators: Hear, hear!

• (1350)

Hon. Yves Morin: Honourable senators, I should like first to thank Senator Kirby for his kind and generous words. I was very fortunate to be a member of the Standing Senate Committee on Social Affairs, Science and Technology and I learned a lot. We produced a report that had a major impact on the health policy of this country. I was also fortunate to be a Senate representative at the last first ministers health conference in September. That is when I realized that our report was truly the basis of the reform recommended by the Prime Minister and agreed upon by the first ministers around the table.

Yesterday, Senator Kirby tabled a report on the first stage of the committee's study on mental health. There will be further consultation during the coming year. I am sure it will have the same impact on an extremely neglected sector of our health care delivery system.

I was honoured a few minutes ago when Senator Kirby asked me to make some contribution to this coming report, and I will do so with pleasure.

I wish also to thank my very good friend Senator Keon. We were friends before coming to the Senate. I knew how much he contributed to the development of cardiology and heart research in this country. I am happy to know that he will be present in the committee as deputy chair and that his counsel will be invaluable both to the committee and the Senate for many years to come.

I wish to thank Your Honour for your indulgence on the many occasions when I displayed my complete ignorance of the rules of procedures and debate.

I would also like to express my gratitude to the Leader of the Government and to the Leader of the Opposition. Both of them have shown tremendous kindness to me on many occasions, and I thank them for their assistance.

It was a great honour for me to serve my country in the Senate. As Senator Keon stated, I have had many jobs in my life, but by far this was the best job I have ever had. We have the opportunity to deal with critical issues that have a major impact on the future and the life of Canadians.

[Translation]

Then there is the contact with fascinating people. You, honourable senators, are proof of that. Once again, I thank you for your help over the past four years. I would also like to thank all the others in the Senate who have provided me with assistance: the clerk, the table officers, the stenographers, the interpreters and the pages. I would like them to know what a lot of help they have been to me.

My dear friends, I would never have managed without the tireless support of my assistant, Louise Delphy. Her knowledge of the Hill, her enthusiasm and efficiency, have been of great help to me in my senatorial duties.

Finally, as you will understand, I would like to pay particular tribute to my wife, Marie. She had to take charge of the family for far too long during my very demanding career as a cardiologist and cardiac surgeon. As Senator Keon well knows, this keeps us away from home a great deal. Then, as my cardiology days came to an end, I got called to the Senate and the absences started up again. In order to lessen the shock of my return home, I have heard that Marie is learning to give the same military salute as we get from the security officers here.

Thank you and good luck once again! I will close with the words of Mr. Chrétien: Long live Canada!

[English]

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to Senators' Statements, I draw your attention to the presence in our gallery of our former colleague, the Honourable Douglas Roche.

Welcome back.

[Senator Morin]

[Translation]

THE RIGHT HONOURABLE ROMÉO LEBLANC, P.C.

Hon. Marilyn Trenholme Counsell: Honourable senators, I would like to take this very special opportunity to pay tribute to the most distinguished citizen of New Brunswick, the Right Honourable Roméo LeBlanc.

During this year when we have celebrated the 400th anniversary of the arrival of Europeans in Canada — our own dear Acadians — it is appropriate to honour the first Acadian ever named Governor General of this great country. Before that honour, he was well known as a teacher, journalist, Member of Parliament, minister, senator and Speaker of the Senate. Today the Right Honourable Roméo LeBlanc spends his days by the sea, surrounded by his family and closest friends, with all his memories. He has great hopes for his beloved country.

Through all these years and even today, Roméo, as he is known to his friends, is a living example of humanity and humility. Born in the tiny village of l'Anse-aux-Cormier, he has never lost his appreciation for the simple and basic things of life. The values learned in that place have been at the heart of all his incredible contributions during six decades as he helped to build a better society in Canada.

The Governor General's Caring Canadian Award, which he created during his term as Governor General, bears witness to his commitment to honouring those men and women whose outstanding contribution to their communities ensures the well-being of their fellow citizens. The Right Honourable Roméo LeBlanc has always said, "They do so much, and ask so little in return."

We salute Roméo LeBlanc, an Acadian, a New Brunswicker, a Canadian, a friend, and a man of great distinction and much inspiration. From the bottom of our hearts, we thank you, and may God bless you forever.

[English]

THE HONOURABLE JOHN BUCHANAN, P.C., Q.C.

CONGRATULATIONS ON BEING INDUCTED INTO
THE MAPLE LEAF FOUNDATION ACADEMY
OF DISTINGUISHED CANADIANS AND AMERICANS

Hon. J. Michael Forrestall: Honourable senators, two weeks ago one of our colleagues was honoured by the New England-Canada Business Council and the New England government through what is known as the Maple Leaf Foundation of Boston. Senator John Buchanan claims to be a Scotsman, but he is as much Irish as he is a Scot.

• (1400)

Senator Buchanan, at a black-tie dinner in the presence of 700 guests that included former Premier Lougheed, Premiers Charest of Quebec and Williams of Newfoundland, and the Honourable Ron Irwin, Canadian Consul General, was inducted into the academy of distinguished Canadians and Americans. Honourable senators, allow me to read briefly from the citation:

On the occasion of the twentieth anniversary of The Maple Leaf Banquet, the trustees of the Maple Leaf Foundation are creating the Academy of Distinguished Canadians and Americans. Tonight we take great pleasure in inducting the Honourable John M. Buchanan, P.C., Q.C., as the Academy's first member. Senator Buchanan was appointed to the Senate of Canada in 1990. He was first elected to the Nova Scotia Legislature in 1967, elected Premier in 1978, and re-elected in 1981, 1984, and 1988, making him the third Premier in the history of the province to be elected to four consecutive terms. Recognized with five honorary degrees through multiple elections, and by higher educational institutions, Senator Buchanan has been an ardent exponent of the economic and cultural ties between our two countries. For his vision and his passion of expression we salute him tonight, and with admiration induct John M. Buchanan into the Academy of Distinguished Canadians and Americans.

A certificate was presented to him from the Governor of Massachusetts and congratulatory letters were received from Ambassador Paul Cellucci and former Governor of Massachusetts, Ed King. I join them in my personal congratulations, Senator Buchanan.

[Translation]

PARLIAMENTARY POET LAUREATE

CONGRATULATIONS TO PAULINE MICHEL ON APPOINTMENT

Hon. Viola Léger: Honourable senators, what a pleasure it is to welcome our second poet laureate, Pauline Michel. Novelist, scriptwriter, actress, singer, teacher and now, Parliamentary Poet Laureate, Ms. Michel will be able to witness our democracy in action from a front-row seat.

[English]

Ms. Michel has established herself not only as a poet but also as a multidisciplinary artist in Quebec and in French-speaking communities around the world. Fluent in both French and English, Ms. Michel has a Bachelor of Education from l'université de Sherbrooke, as well as "licence ès lettres modernes" from l'université de Laval. She has also worked as a teacher at the secondary-school and university levels. She has published several books, novels, poetry, songs, children's stories and so on.

[Translation]

In an interview, Ms. Michel, you said you wanted to introduce artists to the world of politics. I would add that you will also be introducing the world of politics to artists. As a poet, you have a

gift for telling stories and describing the realities of the human condition in words that are to the point and carefully chosen for their simplicity and expressiveness. That is why, as an artist, I have often used poetry in the Senate.

[English]

As a token to welcome you, here are the poetic words from the extraordinary Cirque du Soleil show, "O":

Travel far enough away
my friend
and you'll discover
something of great beauty:
yourself.

[Translation]

To round out our welcome, and in anticipation of what you will write for us, here is *Roseau pensant* by Serge Patrice Thibodeau:

Reed in thought: the fragility of man.
Reed made flute: the fragility of song.
Reed as pen: the fragility of the written word.
In the unexpected storm, at the mercy of murderous winds,
And beaten by rain, the reed bends but does not give way.
Just as every new love dances in delight at its far from
certain future...

Congratulations, Ms. Michel.

[English]

NATIONAL CHILD DAY

Hon. Norman K. Atkins: Honourable senators, last Friday morning, Senator Callbeck and I had the pleasure of attending an event to celebrate National Child Day, which is dear to Senator Pearson's heart. The agenda included a reception in the Senate foyer followed by a program in the Senate chamber. This year's theme was "Respect Me, Respect You" in support of a Canada fit for children.

I cannot describe to senators how remarkable I thought this whole program was. It was a wonderful combination of such people as Max Keeping and Stuntman Stu as masters of ceremony, mixed with performances by some outstanding young talent, including groups such as the Canadian Floor Masters, an acrobatic dance group, a very entertaining group of Aboriginal drummers, as well as musical performances by Alex Leafloor and Brad Barkman. Jason Levesque was truly outstanding in his solo performance at the beginning of the show.

Also impressive was the number of young students who spoke on different subjects that centred on the theme of the event. I took note of the fact that the Senate chamber was filled with young people who were very attentive throughout the whole program and appeared to find it most enjoyable.

The National Chief of the Congress of Aboriginal Peoples, Chief Dwight Dorey from Nova Scotia, eloquently addressed the audience as did Senators Mercer and Munson. The amount of time and work that our colleagues must have put into this project deserves, at least in my opinion, many accolades. Their dedication to this cause was quite obvious and I congratulate both senators and their staff for their efforts to create a splendid event.

PALLIATIVE CARE

Hon. Sharon Carstairs: Honourable senators, last week I attended the Second Conference on Palliative Care in Portugal, Lisbon, sponsored by the Gulbenkian Foundation. Since their first conference two years ago attracted 150 people, the organizers made arrangements for 500 people to attend this year. In reality, 600 Portuguese residents attended. They turned 300 people away, and they recognized that they could have easily planned for 1,000. This is, once again, a recognition of a world-wide need for quality end-of-life care for the dying and shows that not only in the Western world, but also in Third World countries, citizens want changes to be made in the ways in which we care for dying people.

Canada was represented by three speakers. Dr. Harvey Chochinov, a professor at the University of Manitoba and the Research Chair for Palliative Medicine, presented on the issue of dignity and reminded the delegates that the dignity shown to patients in the eyes and actions of the physician is a clear, determining factor in how patients see themselves and their own sense of dignity.

Dr. Jose Pereira, the Head of Palliative Medicine at the Foothills Hospital in Calgary and professor at the University of Calgary, spoke to the importance of communication with the patient and family and to the ethical importance of telling the patient all, but not more than, the patient wants to know.

In my role as Minister with Special Responsibility for Palliative Care, I spoke of the achievements made by the Government of Canada and the role played by government in determining health policy.

There were also speakers from Germany, Spain, and the United Kingdom but the fact that more speakers attended from Canada than from any other country shows the leadership role that Canada is playing internationally. The Senate of Canada deserves a great deal of credit for this. It was the Senate that did the landmark work in the production of both of its reports, *Of Life and Death*, in 1995, and *Quality End-of-Life Care: The Right of Every Canadian*, in 2000.

• (1410)

Much more work needs to be done in this country to ensure that Canadians receive the care they need at end of life. We have made significant strides and those strides are being recognized by the rest of the world. The Senate's original work showed that only \$200,000 per year was being spent on palliative care research. The announcement in September 2004 that \$16.4 million has been targeted in this area for the next five years shows how far we have come. We must not be complacent. We must continue to push the agenda to ensure that all Canadians receive the care they need.

I will be reporting to honourable senators again in June 2005, the tenth anniversary of our first report. Much of the news will be good, but some will be bad. We are still not doing enough.

[Senator Atkins]

THE GREY CUP

CONGRATULATIONS TO TORONTO ARGONAUTS

Hon. J. Trevor Eyton: Honourable senators, I rise today to pay tribute to the Toronto Argonauts, this year's winner of the Grey Cup.

For those few who did not notice or are unaware, they defeated British Columbia last Sunday here in Ottawa by the score of 27 to 19. That magnificent win was accomplished before a sellout crowd of more than 50,000 enjoying perfect weather and perfect playing conditions. I know all of us, including even those from British Columbia, will be pleased to learn that the Argonauts have won the Grey Cup 14 times, more than any other CFL team. Just as remarkable, they have competed for the Grey Cup only 20 times. Their winning percentage, when it counts, is truly impressive.

The selected star of the game and outstanding player was Damon Allen, the Argonauts' quarterback, who completed 23 of his 34 passes for a total of 299 yards and one touchdown. I am particularly drawn to him because he accomplished all of this as a 41 year old, giving inspiration to all of us old-timers.

I know all honourable senators will want to congratulate and pay tribute to the team and its manager, Michael Clemons. In his playing days he was known as "Pinball." Now that he is behind the bench and has won a Grey Cup, he wants to be known as "Michael."

I want to acknowledge the tremendous contribution to this effort made by the Argonauts' new owners: Howard Sokolowski and David Cynamon. It was only with their vital support that the Argonauts have become national champions.

As for British Columbia, there is always next year.

ROUTINE PROCEEDINGS

STUDY ON ISSUES RELATED TO MANDATE

INTERIM REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE TABLED

Hon. Tommy Banks: Honourable senators, I have the honour to table the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources, an interim report entitled *The One-Tonne Challenge: Let's Get On With It!*

The Hon. the Speaker: Honourable senators, when will this report be taken into consideration?

On motion of Senator Banks, report placed on the Orders of the Day for consideration at the next sitting of Senate.

LIBRARY OF PARLIAMENT

FIRST REPORT OF JOINT COMMITTEE PRESENTED

Hon. Marilyn Trenholme Counsell, Joint Chair of the Standing Joint Committee on the Library of Parliament, presented the following report:

Wednesday, November 24, 2004

The Standing Joint Committee on the Library of Parliament has the honour to present its

FIRST REPORT

Your Committee recommends that it be authorized to assist the Speaker of the Senate and the Speaker of the House of Commons in directing and controlling the Library of Parliament, and that it be authorized to make recommendations to the Speaker of the Senate and the Speaker of the House of Commons regarding the governance of the Library and the proper expenditure of moneys voted by Parliament for the purchase of books, maps or other articles to be deposited therein.

Your Committee recommends that its quorum be fixed at seven (7) members, provided that both Houses are represented, including a member from the opposition and a member from the government, whenever a vote, resolution or other decision is taken, and that the Joint Chairs be authorized to hold meetings to receive and publish evidence when a quorum is not present, provided that at least (4) members are present, including a member from the opposition and a member from the government.

Your Committee further recommends to the Senate that it be empowered to sit during sittings of the Senate.

A copy of the relevant Minutes of Proceedings (*Meeting No 1.*) is tabled in the House of Commons.

Respectfully submitted,

MARILYN TRENHOLME COUNSELL
Joint Chair

The Hon. the Speaker: Honourable senators, when will this report be taken into consideration?

On motion of Senator Trenholme Counsell, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

QUESTION PERIOD

FOREIGN AFFAIRS

UNITED STATES—VISIT BY PRESIDENT

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. Yesterday we inquired as to whether the Government of Canada had extended an invitation to the President of the United

States, who will be in Ottawa in six days' time to address a joint session of the Senate and the House of Commons. The minister advised that indeed the invitation had been extended.

I read today in the *Toronto Star* that a spokesperson for the Prime Minister's Office by the name of Scott Reid said that they are not ready to announce the details of the visit of the President. Could the minister advise this chamber if the President has responded to the Canadian government's invitation to speak to both Houses of Parliament?

Hon. Jack Austin (Leader of the Government): I have not received any information that would allow me to amend the answer I gave yesterday.

Senator Kinsella: Could the minister, as a member of the government, tell us if the government has invited the President to meet with Mr. Harper, the Leader of Her Majesty's Official Opposition?

Senator Austin: Honourable senators, I very much regret that I do not have any information on the organization of the President's visit and therefore cannot answer the question.

Senator Kinsella: Perhaps my question could be in the form of a representation. In light of the description that the minister's colleague, Mr. Valeri, Leader of the Government in the House of Commons, is giving to the visit, "an all business visit to the capital," will the Government of Canada raise, for example, the issues of softwood lumber and BSE in this business meeting with Mr. Bush? Will it raise human rights issues, such as the whereabouts of prisoners taken by Canadian forces in Afghanistan and delivered or passed on to U.S. forces and the application or non-application of such basic human rights standards as habeas corpus as it affects prisoners in Guantanamo Bay?

• (1420)

Could the minister speak to some of these issues here in this chamber? If he cannot, would he take them, by way of representation, to his colleagues who are planning the business meeting?

Senator Austin: Honourable senators, I will indeed carry Senator Kinsella's representation to the Minister of Foreign Affairs, who has the responsibility for preparing the substantive agenda for this meeting. If softwood lumber is not on the agenda, I am in big trouble.

UNITED NATIONS

EXPANDED MANDATE—
PRIME MINISTER'S PLAN FOR INTERVENTION

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate. At a meeting of Pacific Rim countries in Chile last weekend, the Prime Minister called for an expanded UN mandate that would allow the United Nations to intervene when sovereign countries fail to protect their citizens. This is an admirable proposal and a

laudable goal, but there are certain problems. One is that it is not the UN mandate that is the obstacle to intervention but the political will of countries to intervene. Another problem is that the UN and other organizations have found creative ways to intervene in the past, but those interventions had mixed results. Does the Prime Minister have a concrete plan for how such interventions can succeed and, if so, would the honourable leader share it with this chamber?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Oliver raises an issue that is paramount in Canada's foreign policy at this moment, and that is the doctrine that the Prime Minister has presented at the UN arguing that it take a positive and active role in intervening where states have failed and are failing to protect their populations.

I can assure the honourable senator that the Prime Minister is actively engaged, both at the APEC conference in Chile that has just finished and in his meetings at the Francophonie and those planned for Khartoum in another day, to aggressively make these points of Canadian foreign policy.

I believe that there is a will in the international community to respond but, as Senator Oliver said, there is an enormous resistance also on the part of leading members of the United Nations who adhere more closely to older doctrines of state sovereignty and non-interference.

These changes in international culture take time and cannot be achieved overnight. However, the crisis in Darfur, and perhaps the crisis in Zaire, will indicate a need for action that will affect the resistance of some countries to move.

Senator Oliver: I thank the honourable leader for that response.

Should the United Nations agree to expand its mandate, has the government proposed that Canada will be a leading contributor of troops to these interventions and, if so, from where will those Canadian troops come?

Senator Austin: Honourable senators, in advancing the new doctrine of international responsibility, the Prime Minister is indicating that Canada intends to be in the vanguard in providing international support. There are so many other fora: capacity building, the transfer of materials, training, and the provision of basics such as housing, clothing, education and health care.

I would ask my honourable friend not to focus simply on a military presence, although I clearly recognize, as does Senator Oliver, that order is the first requirement of any attempt to assist another society. For example, Canada is very active in Haiti today in assisting to stabilize the country as well as in providing training and other assistance.

Beyond order, there is a need to assist certain societies with simple knowledge — simple to us because we have practised this knowledge for a long time — knowledge that goes with the basic building of political, social and economic blocks in a society. I believe that it is a broader-brush concept of assistance.

[Translation]

HUMAN RESOURCES AND SKILLS DEVELOPMENT

POST-SECONDARY EDUCATION FINANCIAL ASSISTANCE

Hon. Pierre Claude Nolin: Honourable senators, my question is for the Leader of the Government in the Senate and concerns the reform of the post-secondary education system in Canada. Our health system was not the only victim of the deep cuts made by your government between 1994 and 1999 in the transfers to the provinces. Post-secondary education was also hit by this unilateral decision which has had a negative impact not only on the quality of education, but also on students' quality of life and their potential for job success.

Colleges and universities have been forced to counterbalance this decline in government funding by a drastic increase in tuition fees, which have skyrocketed by more than 99 per cent since 1994, according to Statistics Canada. Statistics Canada also estimates that, from 1995 to 2000, the average student debt increased by 30 per cent, to reach more than \$29,000!

Honourable senators, frankly, this situation is unacceptable. It is normal to incur some debt to pay for one's education. But is it acceptable that students have to run debts sometimes as high as \$40,000 or \$60,000, leaving them heavily burdened before they even start looking for their first job? In the face of this alarming situation, could Senator Austin tell this house whether his government intends to increase transfers to the provinces for post-secondary education, so that students no longer have to borrow on their future?

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, I will not engage in a discussion of fiscal management during the 1980s and the 1990s except to say that all Canadians agreed that the situation in the 1990s had to be put right, and it was put right with the support of all Canadians. As I said in my Address in reply to the Speech from the Throne on November 2, it is now time for Canadians to enjoy the benefits of those very tough days.

With respect to the more detailed question from Senator Nolin, I think it is recognized worldwide that Canada has one of the best student financial assistance systems in the world, and the Speech from the Throne announced measures that would improve the current plan. That is why a new grant for students from low-income families has been announced to cover a portion of that tuition cost up to \$3,000 during their first year of post-secondary education, effective August 2005. That is why, as well, we are putting in place the Canada Learning Bond to help children in low-income families to start saving for post-secondary education at a young age.

Our research shows that Canada ranks third in the Western world, after the Netherlands and Ireland, in ensuring access to post-secondary education for low-income citizens. As Senator Nolin knows, the student assistance program is a partnership between the federal government and the provinces. Each plays a role, by agreement, in enhancing assistance to students.

Senator Nolin: I thank the minister for the partial answer. However, some of those students were visiting Parliament this week, and I am sure that the Leader of the Government has met with them. I have met with some of them, as have my colleagues, I am sure. They are most concerned. They have heard what we were just told, but they want more, and I think they must have more.

• (1430)

Is the government ready to embark upon a national strategy to rejuvenate post-secondary education? We are living in a federation. It is not the sole responsibility of the federal government, and it is surely not the sole responsibility of the provincial governments. Under the leadership of this government, can we not expect to see the emergence of a national strategy as partners? That is what those students want, and they are hoping they will get it.

Senator Austin: I am in total accord with the direction of the honourable senator's question. The government is modernizing the student aid to post-secondary education program's. We will invest close to \$137 million in fiscal 2005-06 in that modernization program.

Just to give a bit of background, the student loan program helps close to 330,000 students, with approximately \$1.6 billion of loans annually. We created a Canada Millennium Scholarship Program under Prime Minister Chrétien, funds from which have been awarded to almost 90,000 students at a cost of \$285 million a year. Canada Study Grants are issued to 56,000 students, totalling \$75.5 million annually. The Canada Education Savings Grants program has paid out \$2 billion in grants since 1998.

I do want to address the question more specifically. This is an important topic. Please allow me to continue just a bit longer, although I know some on the other side are concerned that I answer questions in too much detail and go on too long with the answers.

We do recognize that debt is a serious problem for students, but the statistics show that 80 percent of the students who complete their studies repay their loans in full and on time, so that the student body as a whole is a beneficiary. Some students do encounter problems, and we have a number of initiatives to help them manage their debt. We have provided interest relief for people who have graduated, \$77 million to approximately 128,000 students in fiscal 2002-03, and we provide an extended period for loan repayment of up to 15 years on the basis of application and demonstrated need. We allow debt reduction for borrowers with financial difficulties, and we reduced the debt of approximately 1,500 students again in fiscal 2002-03 and provided tax relief for interest on student loans of \$65 million in the year 2002.

I will not go on, honourable senators. There is, as Senator Nolin indicates, always room for improvement, but the federal government, along with the provinces, has an active policy of positive intervention in terms of assisting students in the post-secondary area. I know that there are calls for free post-secondary education, but the studies I have seen indicate that that is not a program that is fiscally possible in today's Canada.

Senator Nolin: Honourable senators, they are not asking for free post-secondary education. I hope the minister has already received some of the representatives of those students. If he has not, I implore him to do so. I am sure they would be delighted to hear his speech, and perhaps they will give their own incentive to improve the very goodwill from the government, but in listening to them the honourable senator will recognize that they have a specific list of requests. We have a very good model, but that is no reason to not try to improve it.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS CONTRACTS WITH SIKORSKY—DELIVERY DATES

Hon. J. Michael Forrestall: Honourable senators, I have a very short question. I would invite a similar type of answer.

Yesterday I asked questions of the Leader of the Government having to do with the contractual arrangements between the Government of Canada and Sikorsky. The question specifically was aimed at whether or not Sikorsky, at the time of the signing of the contract, had indicated the possibility of deferring or delaying a stipulated date for delivery of the contracts. The minister replied that the government is continuing to deal with Sikorsky on the details of the contract. I think that speaks for itself. He also told us that he had no way of answering my other questions at that stage.

Honourable senators, as we all know now that, as the Leader of the Government was telling me one thing here in the chamber, his colleagues were in fact signing a contract. There must be some information with respect to the date of delivery, its firmness and/or any change in that. Could the minister enlighten us on that, and would the government undertake to advise, in a timely fashion, of any request to defer or delay the stipulated delivery dates? The leader of the government will, of course, understand the importance of that.

Hon. Jack Austin (Leader of the Government): Honourable senators, again I must applaud the senator's ability to follow this file so very closely. He was asking me the question yesterday at virtually the same time or just before, as I understand it, this contract was signed. Of course, I am not privy to the most immediate details of contract negotiations by any department. Perhaps the honourable senator is privy to such details in respect of the Department of National Defence.

In any event, as the senator and the chamber are aware, yesterday the government announced the signing of two separate but interrelated contracts with Sikorsky International Operations Inc. for the maritime helicopter project. The first contract is worth \$1.8 billion and covers the acquisition of 28 fully integrated, certified and qualified helicopters with their mission systems installed. The second contract is valued at \$3.2 billion and is for the 20 year in-service support for the helicopters.

Senator Forrestall: What is the total?

Senator Austin: It is \$3.2 billion over 20 years. That includes the construction of a training facility as well as a simulation and training suite. I am told that the delivery of the first helicopter, to be called the CH-148 Cyclone, is required to be no later than November 2008, with the remaining helicopters to be delivered at the rate of one per month thereafter. The contract has a series of bonuses for early delivery, but it also imposes penalties for late delivery, making it very much in the company's interest to deliver the helicopters as soon as possible.

Senator Forrestall, as my retirement date is in 2007, I cannot give an assurance as to what will take place in 2008.

Senator Forrestall: Mine will be in that period too.

I have another question for clarification. Canadians will take from those two figures that we, in fact, have lost not the \$500 million that is popularly referred to as the total cost of cancellation of the EH-101 contract, but now, indeed, that we have wasted well in excess of \$1 billion of Canadian taxpayers' dollars for this nonsense.

• (1440)

The leader did not respond to the second part of my question. Would he let us know if there is any request for a deferment or a delay in the stipulated dates of the contract. I would just mention that my knowledge comes from these modern machines that feed the world with information. People in Russia and in China had this information at the same time I had it. If there is a request for a delay, would he let us know the nature of that request and the length of time involved?

Senator Austin: Honourable senators, I will make best efforts to do so, but I do want to tell Senator Forrestall something that he already knows but which I need to put on the record, and that is, in answering questions, I am obliged to be guided by the departments and ministries. I cannot simply repeat information I read in newspapers or take off a Web site.

Senator Forrestall: Does that apply to the leader's own Web site?

TRANSPORT

CANADA-UNITED STATES BORDER—REQUIREMENT OF TRUCKING INDUSTRY TO SUBMIT CARGO INFORMATION IN ADVANCE

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate.

Starting next week, Canada's truckers could face heavy penalties for breaking a new U.S. rule that requires them to provide cargo information to U.S. Customs electronically before they arrive at the border. The new border rule is intended to better target high-risk shipments.

The penalties range from \$5,000 for a first-time offence to \$10,000 for subsequent offences. Along with these fines, in January of next year, violators could also be denied entry into the U.S.

U.S. border officials have spent a great deal of time advertising this new program. The Canadian Trucking Alliance has tried to get this information out to truckers, but some firms may still not know about this. What is the government doing to ensure that all Canadian truckers are aware of the change in the rules?

Hon. Jack Austin (Leader of the Government): Honourable senators, since September 11, 2001, the trucking industry has seen their operating system change dramatically in terms of movement into the United States; and professional truckers and firms of truckers are on-line to be given notice of Canadian changes. I presume that the honourable senator is speaking about changes in Canadian rules and practices.

Senator St. Germain: I am referring to mainly American changes.

Senator Austin: With respect to American changes, truckers will have to obtain that information from their associations and by way of their own access to the American customs process. However, in my experience with respect to trucking, truckers are highly entrepreneurial people and they are very sensitive to the requirements that permit them to conduct their business.

Senator St. Germain: Honourable senators, I have a supplementary question. According to Ron Lennox of the Canadian Trucking Alliance, small and medium-sized trucking companies have had a hard time sorting through all the changes in the U.S. regulations. The *Windsor Star* quoted him as saying that it is very problematic for a lot of people trying to get used to these changes all at once. He said that these rules coming into effect rely on technology systems being in place, but the thing is that everybody is not on them.

We have trucks lined up right now. Where I live on 8th Avenue, trucks are lined up all the way down 176th Street at the civic truck crossing, and backed right up to Highway 99. This is going to exacerbate the situation. The honourable senator tells us that the truckers have a responsibility to access the information from the Americans.

My question is: What is the Canadian Government doing to help them extract this information so that there is a certain level of proficiency in crossing the border?

Senator Austin: Honourable senators, I will enquire into what Canadian government activity is available to assist the trucking industry with American regulations. I think the honourable senator knows that quite a considerable investment has been made, and is being made, in providing additional facilities at 176th street, and at other access points in British Columbia. There has been an amazing advance, particularly in the plazas and in the arrangements to move traffic across the border.

POSSIBLE DECRIMINALIZATION OF MARIJUANA—EFFECT ON TRUCKING INDUSTRY

Hon. Gerry St. Germain: Honourable senators, my other concern is in regard to the decriminalization of marijuana or the relaxation of marijuana laws. Many truckers that I know are concerned about this possibility. This could exacerbate the situation considerably if it were deemed by the American side

that they would have to take a stringent position as far as inspections are concerned. Is this being discussed, and is any consideration being given to the matter in view of the government's will and the Prime Minister's statement that we will pass our own laws regardless of what our neighbours may say?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would say two things in answer to the senator's question: Yes, discussions are being conducted between Canada and the United States with respect to, particularly, the problem of marijuana grown in Canada and smuggled into the United States and its impact in a number of areas. With respect to the other point, obviously this Canadian Parliament will want to respect the will of Canadians regarding this issue, and defining that will is what all of us are endeavouring to do at this time.

The Hon. the Speaker pro tempore: Senator Cochrane, we have time for one short question.

HIGH COST OF AIR TRAVEL

Hon. Ethel Cochrane: Honourable senators, the high cost of air travel in Canada is of major concern to all of us. A new study proves what many of us have believed for some time now. Landing fees at Canadian airports are among the highest in the world.

Toronto's Pearson Airport is the most expensive place in North America to land a plane. Fees paid by carriers at Pearson have increased by an estimated average of 35 per cent annually for the past five years. Reports indicate that another double-digit increase is looming for next year.

Airport rents is another issue. This year, airport rents will bring in an estimated \$250 million to the federal coffers. This amount is expected to reach \$437 million by the end of the decade. Given that costs such as these are passed along to us, the passengers, it is not surprising that many have called these rents a hidden tax on airline passengers and the air travel sector.

My question is for the Leader of the Government in the Senate. What is the government doing to address the cost concerns of the Canadian air travel industry and its passengers?

Hon. Jack Austin (Leader of the Government): Succinctly put, Senator Cochrane, a great deal. In the last two or three weeks, the Minister of Transport has announced that studies are under way with respect to the question of rent paid by airports to the Government of Canada; and that there will be an expansion of the access to Canadian air space by foreign carriers.

With respect to the question of the specific situation in Toronto to which the honourable senator refers, that is a factor, as I understand it, of the cost of the construction of the new facilities and the requirement of that airport authority to pass those costs on to passengers. Whether a program should be created to in any

way provide a subsidy or support for the Toronto airport, is a very interesting question. I would doubt that Canadians would support such a suggestion directly.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table a response to a question raised in the Senate on November 18, 2004, by Senator LeBreton regarding allegations of political interference by the Minister of Citizenship and Immigration.

CITIZENSHIP AND IMMIGRATION

ALLEGATIONS OF POLITICAL INTERFERENCE BY MINISTER—INVESTIGATION BY ETHICS COMMISSIONER

(Response to question raised by Hon. Marjory LeBreton on November 18, 2004)

The Prime Minister's office first heard of the allegations in late summer 2004, in August.

It was then that the Prime Minister's Office contacted the Minister Sgro's office to determine whether improprieties took place. They sought assurances that nothing improper had taken place, as is their duty, and were assured by the Minister's office that nothing improper took place.

The Minister of Citizenship and Immigration made her decision on the basis of humanitarian and compassionate grounds, as permitted under section 25 of the Immigration Act.

Nonetheless, she has asked the Ethics Commissioner Bernard Shapiro to look into this matter. She has also asked him to make his report public.

• (1450)

[English]

FOREIGN AFFAIRS

UKRAINE—BREAKDOWN IN ELECTORAL PROCESS STATEMENT BY LEADER OF THE GOVERNMENT

Hon. Jack Austin (Leader of the Government): Honourable senators, I ask for leave to make a very short statement.

Honourable senators, the statement I want to make relates to the crisis that is developing in Ukraine following the elections that have just taken place there. What I have learned gives me substantial concern for the breakdown in Ukrainian democracy and the struggle over the direction in which that country may go in terms of its rapprochement with the West or its return to past political cultures.

I simply wanted to express the concern of the government with respect to those issues. Senator Grafstein, Senator Milne, Senator Cordy and Senator Smith were observers of the first tranche of the Ukraine electoral process, which seemed to have gone rather well in terms of democratic normalcy. However, now things seem to be going rather badly. I wish to advise honourable senators that the Canadian government is in the process of making strenuous representations to the Ukrainian authorities with respect to that electoral process.

The Hon. the Speaker: I will recognize Senator Andreychuk on this same matter.

Hon. A. Raynell Andreychuk: Honourable senators, I agree with the Leader of the Government in the Senate that there exists an urgent and evolving situation in Ukraine. It has been known for several years that this election would present difficulties if certain preconditions were not in place, such as equal access to resources, media time, and such other usual procedures that come into play in an election. Many of these factors have been noted by the Ukrainian community in Canada for several years, and by other observers. At this moment there is still no president-elect, as I understand, in Ukraine, and the situation is being played out.

In the interests of the people of Ukraine, what steps can the Leader of the Government indicate that the Canadian government should take? In my opinion, the Canadian government should express deep concern and immediately contact the present president and insist that he not allow anyone to be designated president until international observers can assess the true extent of the fraud in the Ukraine election.

Senator Austin: Honourable senators, I very much appreciate the position Senator Andreychuk has just expressed and note — as she will be very much aware — that the Canadian Ambassador to Ukraine was quite forthright in commenting on the deficiencies in the democratic processes taking place, which will illustrate Canada's position as well.

Senator Andreychuk: The steps taken by the ambassador have been noted. In fact, on Canadian public television he indicated the irregularities and the difficulties in the election.

What will the Canadian government do today to ensure that the democratic process will be recognized in Ukraine? What particular steps is the Prime Minister taking in contacting the present president to ensure that there be some acknowledgment of these deficiencies before anyone is declared president?

Senator Austin: Honourable senators, this is not Question Period. I will not engage in anything more than saying, as I have said before, that we are making strenuous representations.

Hon. Jane Cordy: Honourable senators, mine is not a question but rather a comment.

I had the opportunity to chair the NATO observers who monitored the first round of the elections in Ukraine on October 31. Also from the Senate at that time were Senator Milne and Senator Grafstein, who were representing OSCE.

We observed on election day how much the grassroots — the average Ukrainian person — wanted democracy to work. They worked so hard. In our debriefing the day following the election, every person, whether from the European Union, the Council of Europe, NATO or OSCE, commented on how much the Ukrainian people wanted democracy to work and how hard they had worked on election day. The polls closed at eight o'clock and the people stayed until three o'clock in the morning counting the ballots. One could see on the faces of the people that they knew that this was the time that it might be possible to make a change, and for the most part the election polls the observers visited were run quite fairly.

Unfortunately, when the heads of the organizations that I mentioned had a press conference the next day, we had to express our disappointment not so much with what happened on election day, but with the tremendous media bias in favour of Mr. Yanukovich and against Mr. Yushchenko. We also had to express our utter disappointment at the interference by the Ukraine government during the election campaign, because Mr. Yanukovich, the current Prime Minister, is running for president.

We were lulled into a false sense of security because we saw that election day itself was not that bad; it was the run-up to election day where we saw and heard of all the irregularities. We were lulled into the sense that perhaps the second time it might work in the same way, but we have certainly seen that that has not been the case.

Unfortunately for the Ukrainian people, this is a dreadful situation. We have seen what is happening in Kiev, with the tremendous numbers of people gathering in the streets as a result of a total lack of democracy in the election that was held on Sunday.

Hon. Jeremiah S. Grafstein: Honourable senators, I apologize; I was out of the chamber.

I would like to read something from my BlackBerry. I hope this does not breach our rules, but it is in writing.

It is a message from a Ukrainian colleague of ours whom we met in Kiev several weeks ago. She is involved with the artists union and is an important cultural figure in that community. I have kept in touch with her regularly by e-mail and hope that she is safe and sound.

She tells me that the major concern facing her, her friends and her family at this moment is an outbreak of violence. One of things the Government of Canada — which is highly respected in Ukraine and amongst the European community — can do is to urge those players outside Ukraine to cease and desist from interfering in the process there and allow the people of that particular country to exercise their democratic will.

We were there for the first round of the presidential election. Quite frankly, while there were serious irregularities during the course of the campaign — all of which we have noted and will be submitting in a report to the Senate that is now being translated into French — we did discover on the day of the election a deep desire on behalf of the people that were directly involved in the election to have their democratic choices exercised. It was an amazing thing to watch. Senator Milne and I observed the counting of ballots until three o'clock in the morning. Toward the end, the 26 or 28 observers all gathered around to do exactly the right thing: to get a fair and accurate count.

The problem, honourable senators, is in the irregularities and the failure of the count.

• (1500)

I would hope that some methodology would be developed to have an interim government while the count can take place, or a recount, or alternative to a recount, a fresh round as took place in Georgia. I was fortunate enough to be the deputy supervisor of the two rounds in Georgia, and there I witnessed a truly democratic exercise. The president decided to withdraw and the Speaker of the Parliament then became interim president and allowed for a further round that ultimately ended up with an excellent democratic result.

Honourable senators, I would hope that we would try to use moral suasion and the powers of the government to recount the election results or, failing that, to have an interim government that would then call a new election so that the democratic will of the people of that country could be exercised. We should be supporting democratic votes. That is what we are all about.

The Hon. the Speaker: Honourable senators, before I recognize more senators, I would like to indicate where we are at in our proceedings. Senator Austin asked for the floor to make a statement on an important matter, which he has done.

Honourable senators, do we agree we should proceed with this subject matter at this time?

Hon. Senators: Agreed.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I thank His Honour for his intervention.

The matter that we are now seized of, we should be seized of. It would be much better for us to be examining a particular resolution or a particular motion in which all honourable senators, with due notice, would have been able to do their research and to consult with colleagues who have participated in the election observer teams. Honourable senators may want to ask questions such as in what part of Ukraine were the Canadian observers making their observations because it is a big country. There are many social, economic and political dynamics operating in that important country in Europe.

I think that our colleague Senator Austin might want to consider not only making the announcement that he has made but also proposing a resolution that the Government of Canada might be called upon to take a certain action. If it came from the

minister as a reasonable resolution calling upon the government to do something, it would touch on issues such as our concern for the democratic rights of the people of Ukraine. We all understand the values of civil and political rights that are involved here — that is, the right to vote, which is so central to the democratic. I would hope that would be part or an element of any resolution that the government may advance in this chamber for debate.

The safety of the citizens of Ukraine could be another element of a government-developed resolution to be tabled before us. I would think there is certain urgency to it.

It appears that honourable senators on both sides of this house are ready to enter into this debate, and so perhaps we could conclude at this juncture. The government may want to act a little bit more respectably and bring forward a resolution that we could debate. On the basis of the exchange we have had thus far, the resolution should speak to the data we have available, some of which comes from our observers. First, we must be mindful that our observers were in one part of Ukraine. Second, we must urge non-violence, under the circumstances of transition. If there have been creative suggestions in this exchange, they could be incorporated into a resolution.

On behalf of the opposition, far from not being anxious to engage in a fulsome debate on a resolution that may be helpful, we are very supportive of such proposal.

Senator Austin: Honourable senators, I want to thank the Leader of the Opposition for his courtesy and the courtesy of his side in allowing this issue to be discussed in this chamber. It required leave and I appreciate such recognition.

I very much take on the suggestions that the honourable senator has made. I think we will want to see the developments over a day or two, but I am most prepared, if the developments turn increasingly more negative, to bring a resolution to this chamber. I would be very happy to discuss it with the honourable leader opposite before we do so.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Plamondon, seconded by the Honourable Senator Ringuette, for the second reading of Bill S-19, to amend the Criminal Code (criminal interest rate).—(*Honourable Senator Rompkey, P.C.*)

Hon. Sharon Carstairs: Honourable senators, although this item stands in the name of Senator Rompkey, he has deferred to me in this particular circumstance.

Honourable senators, it is with a great deal of pleasure that I rise to support Bill S-19, so ably presented by my colleague Senator Plamondon. She discussed this matter with me some time ago. I must admit at first to being somewhat incredulous that Canadians could be charged up to 60 per cent on purchased goods. However, as she explained to me, the bill in 1981 was a reflection of the Bank of Canada rate of 21.03 per cent at the time the bill was passed. It replaced a piece of legislation passed in 1939, the Small Loans Act.

Honourable senators, today we have a much lower Bank of Canada rate, at 2.5 per cent. Therefore, a 60 per cent interest rate looks to be, in my view, nothing short of usurious. It is important to have the right balance. Many Canadians, regrettably, cannot borrow money from our major banks at preferred rates. They need to look at other financial institutions and businesses that are prepared to take higher risks and are therefore allowed to charge higher interest rates because of the risks they take. However, 60 per cent certainly appears to be both unreasonable and unjust.

It is my hope that the Standing Senate Committee on Banking, Trade and Commerce, to whom I assume this bill will be referred in due course, will carefully examine the necessary essential balance. Clearly, interest rates must be sufficiently high to allow Canadians to borrow money while at the same time allowing industry to make profit; otherwise, Canadians will not be able to borrow the very money that they require. However, I think that a reasonable profit would be the order of the day.

I am also hopeful that the Banking Committee will examine the second part of the act. I would like to read from that section of the Criminal Code, section 347, the definition portion of which states:

"interest" means the aggregate of all charges and expenses, whether in the form of a fee, fine, penalty, commission or other similar charge or expense or in any other form, paid or payable for the advancing of credit under an agreement or arrangement, by or on behalf of the person to whom the credit is or is to be advanced, irrespective of the person to whom any such charges and expenses are or are to be paid or payable, but does not include any repayment of credit advanced or any insurance charge, official fee, overdraft charge, required deposit balance or, in the case of a mortgage transaction, any amount required to be paid on account of property taxes.

This provision seems very clear, and it means that interest is supposed to include an aggregate of expenses. Anecdotal evidence that I have seen recently would indicate that while the law says that up to 60 per cent interest can be charged, in many circumstances well above 60 per cent interest is being charged.

With this bill, Senator Plamondon is addressing the first part, which is an excellent first step, but we must also examine what is happening in Canadian society with respect to the other part. We have a number of financial businesses that appear not to be taking due advanced interest in this particular paragraph, which is the law of the land. They are simply not adhering to those principles.

• (1510)

I believe Senator Plamondon has found absolutely the right balance. What has happened is that a law was passed in 1939 and then another one in 1981, both reflecting a higher bank rate. She has proposed in Bill S-19 that we should establish a differential between the bank rate and the maximum amount of interest that could be charged. She has said — and I believe she has it right — that a 35 per cent differential between the Bank of Canada rate and the maximum rate that can be charged would be a reasonable profit for those in this industry. It appears to be fair and equitable to both the consumer and to the financial institutions. I commend this bill in principle to all honourable senators and hope we can give it speedy passage.

On motion of Senator Stratton, debate adjourned.

FIRST NATIONS GOVERNMENT RECOGNITION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Gerry St. Germain moved the second reading of Bill S-16, providing for the Crown's recognition of self-governing First Nations of Canada.

He said: Honourable senators, it is a privilege to be here and an honour to rise today to begin the debate at second reading of Bill S-16. I begin my remarks by quoting from *The Rights of Indians and Tribes* by Stephen L. Pevar, who wrote:

Hundreds of nations were prospering in what is now Canada when Europeans first arrived in North America. Each nation possessed its own government, culture and language, and the peoples of these nations shared a deep religious faith centered in the sanctity of nature.

Their societies were complex and specialized. There were political leaders, spiritual leaders, doctors, artisans, architects, food gatherers etcetera. Each nation lived off its land and waterways, being agricultural, fishery and hunting.

Some were nomadic, following the migration of fish and game, while others built communities. Commercial networks spanned the continent, and nations traded food, clothing and crafts.

When the Europeans arrived, most Indian tribes openly welcomed, assisted, and traded with them, allowing the foreigners to live in their territory.

Honourable senators, both the First Nations and the British Crown had decided by 1763 that the relationship between their peoples would be by treaties characterized by peace, friendship and sharing. By Royal Proclamation of that year, which is now a part of Canada's Constitution, the Crown set itself out as the sole party to receive Indian lands. To the degree that the Crown took over the resources and the lands necessary for the First Nations to maintain themselves, the Crown accepted the fiduciary responsibility for their well-being.

First Nations, however, are not interested in a state of dependency. They wish to make their full contribution to Canada and the world. This is difficult to do, however, when the Indian Act, devised in times of colonial control, places decision-making for their communities in Ottawa.

Canada enjoys seeing itself as a world leader in human rights and human development. However, it is embarrassed by unfinished business here at home. Although we have had near-total control of First Nations destiny, we have kept them from enjoying their fair share of Canada's prosperity, and I believe it is time to change that situation.

First Nations people, like other Canadians, are entitled to enjoy democratic control over their own affairs within a legislative context that ensures certainty, stability, respect for rule of the law and that balances collective and individual responsibility. First Nations communities must have the flexibility to determine for themselves whether and how free market principles, such as individual property ownership, should apply to reserve lands. First Nations people are entitled to transparency and accountability in the administration of their own and public funds.

Today, legislation is the primary means by which Parliament can satisfy the spirit and intent of Canada's treaty commitments in ensuring that First Nations communities can enjoy fundamental democracy.

Honourable senators, parliamentarians have been approached by First Nations leaders to discuss the subject of First Nations governance. We have been told that:

The issue of First Nations governance is an issue of importance to everyone regardless of the political party they belong to. It's an issue of importance to all representatives of the (Parliament) of Canada.

That quote comes from a letter written by Herb George on November 4.

Bill S-16 was built from the original basic idea, first introduced to the Senate by the late Senator Walter Twinn, that there needed to be a way for all First Nations with a land base, recognized by the Crown, to be recognized by the Crown as self-governing, to be recognized by the federal Crown and Canada as already having this power — that this governing right pre-existed the arrival of explorers and settlers to North America. The recognition of this unceded right — this reality — is the foundation stone of Bill S-16.

Since the original bill introduced by Senator Twinn, there has been significant input by First Nations people, and we have a vastly improved bill to lay before the Senate today.

The Crown firmly and clearly set the stage for the harmonious co-existence of indigenous peoples and newcomers to the continent. Colonial governments, right through to present-day governments of Canada, have been mandated with a responsibility to the indigenous peoples — these organized,

Aboriginal, self-governing nation states. It is because of this mandate that the British Crown instituted the Department for Indian Affairs — to manage the existing treaties and agreements and to establish new ones.

Honourable senators know that the consequences of Canada's Indian Act have been harmful to the culture and way of life for all First Nations groups in Canada. In the past, Canadian policy and lawmaking was directed to effectively assimilate First Nations people, but thankfully the original inhabitants of this land fought for their rights and continue to do so. First Nations have been fighting for their self-governing rights. We have never seen this so clearly as we have since the BNA Act of 1867 that was patriated into the Constitution in 1982, wherein First Nations peoples and their pre-existing rights were recognized and affirmed in section 35.

Since 1982 there has been a flood of claims mostly arising from Aboriginal people who had not entered into treaty, or from the maladministration of affairs or for the failure to fulfil fiduciary responsibilities or failure to recognize rights. Even beyond claims relating to the past, there have been clear, strong calls to establish a productive relationship that recognizes self-government as a fundamental ingredient.

First Nations people no longer want to be governed by the Indian Act. We have seen the Cree-Naskapi, the Sechelt, the Nisga'a, the Yukon, the Nunavut, the Westbank and several other legislated arrangements, along with the Tlicho legislation that the other place is examining now. Many more will follow.

Honourable senators, as Prime Minister Trudeau might have stated, and indeed the Supreme Court has confirmed since the famous *Caulder* case of 1973, it is "just" that self-government is being recognized for some First Nations through negotiated agreements. However, First Nations people do not want the Indian Act's version of self-government or to have imposed colonial arrangements that continue to thrive despite the guarantee of section 35 of the Constitution. The conclusions of the Royal Commission on Aboriginal Peoples are no surprise. It is not "just" that First Nations must wait for their turn to negotiate a deal with government negotiators who too often arrive at the table with unacceptable pre-conditions. If you look at the past 25 years of negotiations you will find that, on average, it takes 15 years to get a deal laid before Parliament, and then for only one or two First Nations.

• (1520)

There are some 630 First Nation communities, each entitled to put in place its version of a government consistent with its culture and its values to govern in its areas of jurisdiction. However, Canada's federal government has only been able to conclude a finite number of deals each year. Honourable senators, Parliament must do better.

In each Speech from the Throne that the government has delivered since 1994, the Government of Canada's commitment was to work with all the First Nation peoples in Canada to improve their standard of living and to assist their governing structures in addressing the issues that have chronically confronted them. If you read between the lines, there was a

promise to right the wrongs and to accelerate the claims and agreements. The fact remains that while conditions have improved somewhat on First Nation lands since 1982, they lag dramatically behind the conditions in the rest of Canada.

The fact is that not many communities have a body or form of government with which the majority of its members are happy. This was confirmed by the department's own polling done as a prelude to the quashed First Nations governance act, which was seen as nothing other than a rewrite of the Indian Act.

Currently, First Nation communities have no way out from under the rock of the Indian Act. What recourse do First Nations have to be recognized as self-governing in a reasonable time frame and in a manner that is financially affordable? Honourable senators, I truly believe that Bill S-16 is that recourse. Bill S-16 is all about the enabling aspect, the affordability, the do-ability and the time it takes to effect this change.

Prime Minister Martin has indicated to the media that he will implement his key 2004 election promises to improve the quality of life for First Nation people, thereby creating a new deal for the First Nation people of Canada.

The Auditor General of Canada has again advised Parliament that their audits continue to show that major improvements in program delivery must be undertaken, that too many issues remain a concern. Unacceptable housing, social dependency and poor education achievement have negative effects on the socio-economic strength of First Nation communities and limit the ability of individuals to participate in all aspects of the broader Canadian society.

The Auditor General's 2000 audit on elementary and secondary education found that it would take 20 years for First Nation people to achieve parity in academic achievement with other Canadians. Just yesterday, the Auditor General reported to Parliament that the Department of Indian Affairs and Northern Development had made only limited progress in addressing most of the issues and recommendations that were made four years ago. As a result, it will now take 28 years for First Nations to achieve parity.

This is the kind of unacceptable decision-making by Indian Affairs that has made it essential that First Nations have for themselves the right that Canadians take for granted — to govern their own affairs and to make their own future. The Auditor General's 2000 report went on to say that the lack of timely action has serious implications for the delivery of health services to First Nations. Demands for services on reserves are expected to climb dramatically because of the young average age of community members and the high on-reserve birth rate, and that the gap in living conditions between First Nation and non-First Nation communities has the potential to widen.

The 2001 report stated that failure to settle comprehensive land claims or modern-day treaties results in increased legal costs to settle issues in court as well as the cost of lost opportunities. These include loss of the sustainable development of land, resources and

capacity of potential investors and of meaningful socio-economic partnerships between First Nations and Crown governments, the private sector and other citizens of Canada.

The 2003 audit found problems with the department's management of federal responsibilities to achieve results and with the mechanisms used to resolve disputes. Without a concerted effort, Canada risks missing opportunities for economic development, such as large-scale oil and gas development. This compromises the ability of First Nations to control their destinies and develop the potential for the benefit of all Canadians.

Honourable senators, the Dean of the Commons, Stanley Knowles, had a favourite quotation: "Courage my friends, 'tis not too late to make a better world." Are honourable senators, through Bill S-16, willing to commit to working together in a non-partisan way on First Nations policy? The federal Crown and Parliament must be dedicated to establishing a new relationship with First Nations — a relationship that the royal commission on First Nations people called a "necessary transformation in consciousness." The Royal Commission on Aboriginal Peoples stated that this new relationship must be based on four principles: mutual recognition of First Nations to co-existence as self-governing peoples in Canada; mutual respect; mutually beneficial economic interdependence, sharing of benefits from resources; management of resources that respects First Nation values; and mutual responsibility derived from political autonomy, part of a distinct order of government, resulting in appropriate fiscal arrangements rather than "welfare."

Honourable senators, Canada must recognize First Nation governments in a way that respects their diversity and their inherent rights. Canada can no longer afford to maintain these people in a state of perpetual dependency. It is costly in money and in the toll it takes on the human spirit. By acting today and by delivering on the promises made, Canada can truly claim to be a champion of First Nation human rights.

For the near future, Canada must continue to fulfill its financial obligations to First Nations. All who are prepared to do so must be able to exercise their rights to self-government in their areas of jurisdiction. The federal and provincial governments must recognize that there are rights in the Royal Proclamation, the treaties, the Supreme Court jurisprudence and the Constitution. These rights exist. Therefore, First Nations should not have to ask the Crown to exercise their rights on their land with their people, which is presently the case.

Honourable senators, this matter has been studied to death and, yes, Canada has come a long way in understanding the issue because of reports such as the 1983 Penner report; the Mulroney government's first ministers conferences; Meech Lake; Charlottetown; the royal commission on First Nation peoples; and the excellent report of the Senate committee on First Nation peoples, which was chaired by Senator Watt, entitled *Forging a New Relationship*.

All these reports and conferences spoke to returning to the original treaty-based relationship between First Nations and the Crown. To facilitate First Nations efforts of nation-building so they can rebuild their societies and restore their cultures on their land, First Nations must be able to create or re-create their own institutions by exercising their pre-existing and now constitutionally entrenched rights.

Some of these institutions might include an auditor-general-type agency, a First Nations human rights commission and perhaps a regionally based First Nations ombudsman to handle administrative and government complaints. These are elements that First Nations can create and write into their Constitution, which would be recognized by Canada, given the enactment of Bill S-16.

First Nations are taking their rightful place in Canada. They are standing on their title, but the path to realizing their destiny will be very long in view of the existing mechanisms set up by government. There is an alternative that is faster, less costly and fair. It will lead to improving the day-to-day lives of First Nations peoples wherever they live — it is Bill S-16. Again, as Stanley Knowles once said so many years ago, “Let’s make it happen. It is Canada’s hour to make social justice for First Nations a permanent feature of Canadian life.”

Now, honourable senators, I will try to describe the elements of the bill as succinctly as possible.

• (1530)

The purpose of this bill is to implement a framework and mechanism so the federal government is provided by Parliament with statutory authority and a statutory mandate to recognize First Nations and the rights and powers of their governments, institutions and other bodies.

The bill begins with a preamble that sets the tone for the bill and may assist courts in the future to interpret sections of the bill which may appear ambiguous. The preamble notes that the Royal Proclamation of 1763 recognizes there were self-governing peoples here before Europeans arrived. They entered into treaties that allowed for co-existence. Although Parliament has created certain laws, the Constitution Act recognizes and affirms First Nations and treaty rights. Canada would be strengthened by a renewed relationship that reconciles Canadian sovereignty with indigenous self-determination and self-government.

Honourable senators, the preamble states that:

...Parliament wishes to recognize a permanent and safe place in Canada for self-governing First Nations...so that they may enjoy peaceful and good relations with those with whom they agree to share their traditional...territories.

...Parliament wishes to affirm the responsibility of Government to ensure that First Nations are free from...interference with or dispossession of their lands by any government or person.

The bill then continues with definitions of terms used in the bill. First Nation lands are defined as lands to which a First Nation has established a First Nation title, as well as lands reserved under section 91(24) of the Constitution Act, or land reserved exclusively for the First Nation under the Indian Act, or land owned by the First Nation and declared by the cabinet to be First Nation lands; lands restored by a claims settlement; lands held through treaty or Royal Proclamation; lands acquired because of expropriation or other taking; and lands acquired in exchange for other First Nation lands.

First Nation title is defined in the bill as a First Nation’s permanent interest in land that existed before the Crown asserted sovereignty over the territory, does not originate in a grant from the Crown or government, is perpetual and passes from generation to generation, and is held collectively by members of the First Nation.

“First Nation” means any body of indigenous people for whose use and benefit land has been reserved within the meaning of section 91(24) of the Constitution; any body of indigenous people who have First Nation lands and are recognized by any treaty or agreement recognized or affirmed by section 35 of the Constitution Act; by the Indian Act. If a Metis or Inuit group meets these requirements, “Metis settlement” or “Inuit settlement” would be substituted.

“First Nation corporation” means a corporation constituted by federal law, provincial law or under a law of a recognized First Nation, which has its head office on First Nation lands, and is owned by a recognized First Nation or First Nations or a member of a First Nation.

A member of a recognized First Nation is a member of the First Nation under its constitution.

A “recognized First Nation” is a First Nation recognized by the bill.

Two or more First Nations can amalgamate to become one First Nation. The bill applies only to those First Nations who seek recognition. Other First Nations continue as is under the status quo. That is very important. This is enabling legislation and applies only to those who seek recognition.

In regards to self-government, there is a proposal to electors. To become recognized by Canada as a recognized First Nation, a First Nation must first get the approval of its own people of a proposal for self-government. The proposal consists of a constitution which the First Nation develops for itself as well as certain information.

This is a similar process through which Canada recognizes a new nation in the world community. It determines that the government is recognized by its own people and that there is a form of government in place sufficiently stable to be recognized.

With respect to the referendum, consultation requires more than the giving of an ultimatum and more than just a discussion. It requires that the membership of the community be fully informed of all the facts and that sufficient time is given to consider the situation in the fashion most appropriate to the community and then accept the community's solution.

The members who consider the First Nation's own proposal are all the persons on the First Nation's membership list, and it has control of its own membership list. If the registrar under the Indian Act is maintaining the list, members are those persons who are on that list and who are confirmed by the First Nation. If there are any differences between the two lists, the First Nation's list prevails unless otherwise ordered by a court.

In addition to its ratified constitution, the First Nation also provides information as to the name under which it wishes to be recognized, the description of its First Nation lands, existing treaties and agreements, a statement setting out resources and sources of revenue, and the name of the person who will act as an election officer to conduct the referendum.

The constitution submitted to the membership for ratification can either be a model constitution, which is attached to the bill, or a constitution developed by the First Nation people themselves. The model constitution is both a guide as well as a quick and inexpensive way of proceeding towards recognition.

If the First Nation devises its own constitution, there are a few minimum requirements. They are: How is membership to be determined in the future? What is the definition of an elector? What are the rules and procedures for the selection and terms of the office of the members of the governing body? What are the rules and procedures for enacting laws of the First Nation? What is the system of financial management and accountability? How are grievances to be addressed and disputes resolved? What annual meetings and general assemblies are required? How can the constitution be amended later? What decisions can be made by the government and which must be made by the people? What are the areas of jurisdiction about which the First Nations legislative body can make laws?

Before submitting the proposed constitution to the electors, it is submitted to the Auditor General of Canada, who examines it and provides an opinion as to whether the constitution has proper provisions for good governance. This report is part of the information submitted to the electors as part of the ratification process. The proponents may make the changes recommended by the Auditor General or explain to the electorate why it is not making them. If the electors decide to accept the constitution despite a negative report by the Auditor General, they will have the right to do so.

Recognition of a First Nation: The constitution is a fundamental document which requires significant support if it is to be the foundation of the First Nations government. In the ratification, at least two-thirds of all electors must participate in the referendum, and at least two-thirds of those voting must ratify the proposed constitution. The total number approving the constitution must be at least half of all electors.

With that ratification, the First Nation automatically becomes recognized by Canada as a recognized First Nation, a self-governing political entity operating under its own constitution. It has a legal personality and a perpetual succession. It has the capacity to exercise its inherent rights, powers and privileges and performs the functions described in its constitution. The ratification is publicized by the election officer by sending the report on the approval to the President of the Queen's Privy Council, who then ensures it is published in the *Canada Gazette*.

Transitional provisions: The officers and employees of the First Nation remain in place until such time as the new government makes new arrangements. Anything owing by the Crown to the First Nation and vice versa continues to be owing. Any rights of the Crown or persons that existed before the First Nation became recognized continue to be in effect and are not affected by recognition.

Legislation: A recognized First Nation has the power to make laws respecting the First Nation and its members, lands, language, identity, culture and other matters which are set out in its own constitution, subject to any limits provided for in the constitution and in the manner provided for in that constitution.

The subject matter of legislation over which a recognized First Nation can pass laws is delineated in Schedule 2 of the bill.

Territorial reach of legislation: A recognized First Nation's laws apply on the First Nation lands of the First Nation. For some matters, such as family law, the First Nation's laws may apply outside its First Nation lands.

Application of legislation: A recognized First Nation's legislation may be made to apply to all persons who are within its First Nation lands, whether they are members or not.

• (1540)

Administration of justice: Where a recognized First Nation establishes a court of criminal or civil jurisdiction, the constitution must provide for security of tenure and a system of remuneration enough to ensure independence from the governing body. There must be a procedure for removing judges for serious misconduct.

Existing rules of evidence apply. The recognized First Nation may prosecute charges, or if it fails to do so, the Attorney General of Canada may do so. Subject to the constitution if the recognized First Nation does not establish a court, provincial and federal courts may enforce the laws of the First Nation. A decision of the First Nation court can be appealed to either a federal or provincial appeals court.

Title and monies: Crown lands of the First Nation will be transferred to the recognized First Nation as "First Nation lands." Existing interests will be protected. First Nation lands cannot be alienated unless authorized by 80 per cent of the electors of the First Nation. First Nation lands cannot be expropriated. Additional lands can be made First Nation lands, except under certain circumstances. Lands cannot be mortgaged in a way which could cause the lands to become alienated.

Monies held by the Crown for a First Nation will be transferred to the First Nation. All First Nation monies are deemed always to be situated on the First Nation lands of the First Nation.

Section 87 of the Indian Act continues to be in force preventing seizure of First Nation property. This protection is also extended to First Nation corporations. This does not apply where the seller retains ownership of the property until it is paid for.

Organizational options: A recognized First Nation may authorize the division of the First Nation or its amalgamation with other First Nations. The approval of the electors is required. Recognized First Nations may also confederate in a way in which they retain their identity, but agree upon delegation of legislative and administrative powers. The provisions of the act apply to a confederation in the same way as they apply to a recognized First Nation.

Rights and liabilities: Nothing in the act derogates or abrogates any rights, powers or freedoms. Members continue to be "Indians" within the meaning of section 91(24) of the Canadian Constitution.

The act is binding on the federal and provincial Crowns. No individual member of a First Nation is personally liable for the actions of a recognized First Nation.

General provisions respecting laws: Generally, the provisions of the Indian Act do not apply to a recognized First Nation. However, during a time that a recognized First Nation has no provision in its laws or constitution, certain provisions of the Indian Act continue to apply.

A recognized First Nation may incorporate into its own laws the laws of any act of Parliament regarding Indians and is not within the legislative power of the First Nation.

If the government wishes to amend this act or otherwise affect the rights of a recognized First Nation, it must provide 180 days' notice, meet with a representative body of recognized First Nations at least 120 days before the legislation is introduced and shall provide a written reply to any comments made. Good faith negotiations will take place to resolve any differences.

Saving: A person who had a right to membership in a First Nation before it became a recognized First Nation will not be deprived of membership solely because of a situation which existed before the First Nation became recognized. However, this does not apply where its application would abrogate or derogate from any of the First Nation's rights.

Honourable senators, my office and research team has put considerable effort into drafting this bill, and it has become clear, in our conversations with First Nations and non-Aboriginals alike, that some matters may require additional comment. I will attempt to be brief.

In response to those who believe that with Canada's Parliament recognizing in law First Nation self-governing communities as being "a third order of government," I believe it was George Erasmus of the Dene Nation who said the following in the mid-1980s:

Their struggle is for the recognition of the First Nations by the governments and people of Canada and the people and governments of the world. With the arrival of the Europeans, First Nations have found themselves as part of a country, and that country is Canada. But the government is not the government of the First Nations. These governments are not the choice of the Aboriginal peoples. They were imposed on First Nations.

While First Nations have recognized the existence of Canada and its governments, the First Nation struggle is to find their place in the Canadian community where they can exercise their right to self-determination as a distinct people and as a nation. They seek independence and self-determination within the sovereign country of Canada. They seek a strong democratic process, having a clear system of checks and balances in place — clear processes that will deal with problems of housing, education, et cetera.

To this very day, Erasmus believes Canada can be a real leader in Native issues and urges Canadians to make a difference — that Native rights be fully recognized.

Erasmus stressed the importance of having a proud and sovereign native society where native peoples reassert their culture and regain self-rule, where they break the cycle of dependence on government handouts, which perpetuates a sense of inadequacy and worthlessness.

Let Bill S-16 serve as that catalyst, wherein Parliament will focus on becoming compliant with the terms of Canada's Constitution as it relates to First Nation peoples and their rightful place in the makeup of Canada. The future can begin now.

On the matter of the Charter of Rights and Freedoms and Canada's human rights laws, it is important to point out that First Nations are seeking balance between individual and collective rights, especially those which fall in the category of "First Nations rights" or "treaty rights."

Actually, section 25 of the Constitution Act 1982 provides that the collective right trumps the individual right, similar to the notwithstanding clause of the Constitution which can be invoked when respecting the common good may be more important than honouring an individual right.

First Nations are not opposed to individual rights, but understanding their very survival is at stake, they want to be sure that a First Nation's survival is protected from requirements that individual rights be honoured.

There is a similar rationale behind opposition — some very heavy criticism of the former Bill S-38, apparently seeing it as a move to deprive innocent women of their human rights — to having the Indian Act made subject to human rights legislation. Actually, the initial exemption was placed there by the government itself, given the racist nature of the Indian Act.

To impose on First Nation governments human rights requirements without providing resources to put them in place or to defend themselves from unfounded accusations would itself be a violation of rights. What First Nations are seeking is to have resources to enable them to put human rights regimes in place. In the long run, this would probably be less expensive than providing the Canadian Human Rights Commission with additional resources.

One particular aspect of human rights that the Senate has devoted some time to studying is the matrimonial property rights of First Nation women living on reserve. The protection and promotion of human rights is, I believe, a determining factor of what defines Canadian society.

The Indian Act is silent on the issue of on-reserve matrimonial property. Many of the legal rights and remedies found in Canadian laws which relate to the matrimonial home apply off reserve but are unavailable to people living on reserve. It seems to me that the recommendations of the Human Rights Committee be considered during the examination of Bill S-16 while it is before, presumably, the Aboriginal Peoples Committee. It is important that in exercising the right of self-government, the making of laws for the First Nation communities and its people be inclusive of and respectful of the rights of the individual and the communal society vis-à-vis custom, tribal law and Canadian and international law and conventions.

Undoubtedly, solutions would need to balance individual and community interests, but this matter is a recognized jurisdiction of the First Nation government and it is for them to determine what is best for their members and community. Their right to self-government compels a clear majority of the membership to take ownership in crafting their constitution and their government so that the rights and interests of the community and individual members are insured.

• (1550)

The question of who can vote in the First Nation election is a complex one: the so-called "taxation without representation" issue.

Like other governments, First Nation governments need to protect the integrity of the electorate. Canada does not allow non-citizens to vote. Provinces do not allow non-residents to vote. Status under the Indian Act and under First Nation membership codes is not race-based. It is wrong to analyze the issue as if it were race-based when in fact other factors are at play.

In response to those who may characterize Bill S-16 as template or boilerplate constitution-making, I must point out, as the Royal Commission on First Nations Peoples reported in volume 2, chapter 3, regarding models of First Nation government:

The exercise of self-determination and self-government will assume many forms according to First Nation people's differing aspirations, circumstances and capacity for change. In practice, therefore, we anticipate that many variations will emerge in the implementation of the broad approaches...

Honourable senators, Bill S-16 will, I believe, empower Aboriginals to rehabilitate their economic condition and enable them to develop the initiative destroyed by over a century of repression and paternalism. It will rejuvenate tribal governments and protect their land base. They will assert their powers of self-government through their own constitutions.

Bill S-16 is enabling legislation and in no way can it be criticized as paternalistic. This approach was recommended by the Penner Committee in 1983 and is consistent with the approach recommended by the Royal Commission on Aboriginal Peoples. The bill is a long-delayed giant step in the right direction.

Honourable senators, this bill has been a real team effort. I can say with all modesty that it is probably the most innovative piece of legislation on First Nation matters that has been introduced, certainly since 1982. It has the potential to right injustice, to correct historic wrongs and, most significantly, to restore rights that have been suppressed and denied.

We will see this bill receive broad attention if hearings are held by the appropriate committee. We will see it receive thorough debate in the other place if it is passed by the Senate. Along the way, it will no doubt be strengthened and improved by amendment. It is a historic piece of legislation, and I invite my colleagues to give it careful attention and firm support.

In closing, I want to thank the expert adviser from the Mohawk Nation, Rarihokwats or Four Arrows, the drafter Michael Clegg, my assistant Stephen Stewart and many others. Former Chief Justices of the Supreme Court were consulted on this particular piece of legislation. Many of our native elders were consulted on it. I thank all of them. Hopefully, this bill is a step in the right direction. At least, it is a major effort.

[Translation]

Hon. Aurélien Gill: Honourable senators, I would like to congratulate Senator St. Germain on the tremendous effort he has put into drafting this bill. When it comes to First Nations, there is almost nothing that is not touched on. If we could put into practice one part of what you have said — which we have been asking for for a long time — we could more rightly say that we have a wonderful country. This will no doubt come.

As a general rule, a nation is defined as a band of First Nations communities, and it is said that there are some 630 nations in the country. In my opinion, this definition of the entity is incorrect. It was first promulgated by the 1876 Indian Act and continued in later legislation.

In my opinion, defining the word "nation" as one Indian reserve or one band, is wrong. It frightens people to think that justice systems and all other kinds of systems would be set up in each community. On the other hand, if the real meaning of the word "nation" is given to a group of people, that is different. For example, I live in the Montagnais or Innu community of Lac Saint-Jean, Mashteuiatsh; it is a community. I am part of a nation that contains 11 other communities in northern Quebec, from the St. Lawrence River to Labrador. That is a nation. The native peoples define themselves as a nation.

Because the act has been in existence for many years, things have got a bit mixed-up. A nation is defined as a band or community. And communities often define themselves as First Nations. In my opinion, a community is a part of a nation — an Innu, Cree, Algonquian, Iroquoian, Nisga'a or other nation.

Senator Losier-Cool: A nation.

Senator Gill: The Acadians do not define themselves this way. In your explanation, you recognize the community as a nation. I think that eventually this definition will have to be corrected. There are not 630 First Nations in this country; there are perhaps 50. May I have your comments?

[English]

Senator St. Germain: Honourable senators, as far as nations are concerned, I recognize that there are fewer nations — there are actually 630 native bands — and we clearly state in the legislation that if various bands want to work together and join together, they may do so. Provisions are made in this legislation that certain portions of nations that want to be recognized under this legislation can be recognized, or, for example, the entire Iroquois Nation. We have the Cree Nation in Western Canada. There are provisions in this bill that could recognize the entire nations communities as one, which is highly unlikely to occur. It may be applicable in some eastern cases, but the provision is there that certain groups can come together to form a nation to be governed under this legislation. It does not necessarily exclude small bands, but it does not necessarily stipulate that it must be a band. There is great flexibility in that area.

On motion of Senator Rompkey, debate adjourned.

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I would propose that we deal immediately with the two reports standing in the name of Senator Andreychuk, and that we then stand all other items on the Order Paper in their order until the next sitting of the Senate.

The Hon. the Speaker pro tempore: Is it agreed, honourable senators?

Hon. Senators: Agreed.

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Human Rights (budget—study on the rights and freedoms of children—power to hire staff) presented in the Senate on November 18, 2004.—(Honourable Senator Andreychuk)

Hon. A. Raynell Andreychuk: Honourable senators, I move the motion standing in my name.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

• (1600)

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, could I ask Senator Andreychuk to elaborate a little more on the budget? Could she give us an amount? I think what is covered by the budget is, perhaps, covered in the item that we have before us. Could the honourable senator tell us particularly if travel is involved and some other details of how the budget will be spent?

Senator Andreychuk: The budget is rather self-explanatory. We have the usual small costs for meals and a \$7,500 cost for communications and reporting which has been one of the constant encouragements from Internal Economy.

To this point, as the result of an emergency intervention last week, we have the ability to hire consultants. This is a study on the Convention of the Rights of the Child and other international instruments that affect the rights and freedoms of children. It is a highly technical area, so we will be hiring a consultant for \$22,500. We have the ability to hire other researchers to a value of \$33,750 in total. All the professional and other services are \$67,750. Transportation and communications is \$104,306. Since the Convention on the Rights of the Child has an implementation strategy and there is a working committee, and Senator Pearson has gone through the process already with the Government of Canada and presented in one of the reports how we adhere and comply with the convention and has entered into dialogue as to whether we are in full compliance, the committee thought it was important to meet with that working committee, the Human Rights secretariat and other experts in Geneva. This is where the genesis of the convention is and this is where the consequence is monitored, and we need their perspective as to whether Canada is complying to find strategies to encourage further adherence.

This study was undertaken because we believe and it has been borne out by experts, certainly in the last consultation, that Canada is not fully integrating the International Convention on the Rights of the Child in governance aspects throughout the departments and various agencies. We hope to recommend better practices that will bring to bear more political will to ensure that we are fully compliant with the international covenant. Therefore, it is important that we meet with the people who are handling the convention.

Second, we want to meet with a best-practices country such as Sweden. We thought we could combine the trip to see how they comply with the international convention and do analysis and a comparison between the two countries. We are also contemplating — and this would not involve travel — a video conference with, perhaps, Australia, where they have a treaties process in place in Parliament to ensure that the conventions are fully complied with.

This is the essence of the travel at this point. It is not contemplated to travel through Canada, as we believe that this is a highly expert field. We will not study the rights —

The Hon. the Speaker *pro tempore*: Honourable senators, it being four o'clock, I should like to make sure we have agreement not to see the clock.

Hon. Senators: Agreed.

Senator Andreychuk: We want to be sure that we are in compliance with the Act because we believe the only way that the children in Canada will receive all the benefits of the international instruments will be if there is further compliance. We will not travel across Canada because at this moment, and in this year, we believe it is a rather technical area. We have a lot of NGOs who have been tracking this matter and who will come to testify in Ottawa. The sum total of the budget is for the expertise in that area and for the consultation required.

I should say — and I want to put this on record — that, without disclosing ages, we are rushing against time to ensure that we get the expertise and the experience of Senator Pearson, who has a great background in this area and who has been the impetus for this report. Therefore, we are moving as quickly as we can and condensing as much as we can to ensure we get the product out by March 31.

The Hon. the Speaker *pro tempore*: Are senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—REPORT OF COMMITTEE ON STUDY
OF ISSUES RELATED TO NATIONAL AND
INTERNATIONAL OBLIGATIONS ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Human Rights (budget—study on human rights obligations—power to hire staff) presented in the Senate on November 18, 2004.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, I move the motion standing in my name.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I wish to ask Senator Andreychuk a brief question and for a brief answer as to the composition of the budget and to what items it will apply.

Senator Andreychuk: The total budget is \$74,000. Today, Internal Economy approved a little under \$20,000. This involves two areas of study that were started: The Organization of American States and whether we should join the Inter-American Court; and to what extent we ratified and/or signed outstanding international treaties. This is an update of those two areas of study. The two consultants will be updating the reports to today and we will be putting forward further recommendations.

Regarding the Inter-American Court, we advocated that there be ratification and Canada's adherence to the court. We will look to see how the government has moved on that matter.

On the other study, Professor Laviolette will review all the international human rights treaties and to see which ones were ratified last time. I do not anticipate any further monies on these two studies and we anticipate being on time in filing.

The Hon. the Speaker *pro tempore*: Are senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

The Senate adjourned until Thursday, November 25, 2004 at 1:30 p.m.

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• 38th PARLIAMENT

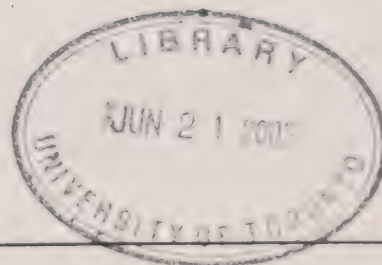
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OFFICIAL REPORT
(HANSARD)

Thursday, November 25, 2004

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Thursday, November 25, 2004

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE LATE ROBERT MCCLEAVE

Hon. J. Michael Forrestall: Honourable senators, how does one sum up a tribute to the life of one of one's oldest and dearest friends? I speak of the Honourable Robert Jardine McCleave, a man so special that, not only in my eyes but also in the eyes of many, he epitomized the line from the poem by Kipling: "If you can walk with crowds and keep your virtue, or walk with kings nor lose the common touch...yours is the earth and everything that is in it and which is more you'll be a man, my son."

Robert McCleave, a retired judge, long-serving member of Parliament, former editor of the *Chronicle-Herald*, died in early September in a Moncton hospital after a brief illness. In fact, he died in Moncton, where he was born in 1922.

Bob graduated from Dalhousie University law school, but chose journalism and started as a copy editor. He went on to become the City Editor of the *Chronicle-Herald* newspaper. He was later the News Director at CJCH radio.

By 1950, he was practising law, but he returned to journalism from 1954 to 1957. That year, he won one of the seats in Halifax which was, in those days, a dual constituency. The two Conservative members elected were the Right Honourable Robert Stanfield and the Honourable Edmund Morris, a name familiar to all Nova Scotians. He won the Halifax seat for the federal Tories and held it until 1963. He lost that year, but was re-elected in 1965, with me as a running mate. How he accomplished that, I do not know, but he carried me through all of that.

Bob was proud of the fact that he was — and the record still stands in his name — the longest-serving member of Parliament for Halifax. I have always had Halifax in my constituency name; but the designation always included a region such as Halifax-Eastern Shore, Dartmouth-Halifax-East, and so on.

Bob was appointed Deputy Speaker of the House of Commons in 1972, by then Prime Minister Pierre Trudeau, a rare honour given to a member of an opposition party in those days. In fact, he was the second opposition parliamentarian accorded that honour since Confederation. In 1974, Bob was co-chair of the Joint Parliamentary Committee on Statutory Instruments.

After his political career, he was appointed a provincial court judge in 1977, and he served for 10 years on the bench in Nova Scotia. He also served as Chairman of the Nova Scotia Labour Relations Board from 1980 to 1990, and chaired controversial hearings into opening Nova Scotia to uranium mining in 1984.

Bob also taught journalism at Kings College during the 1970s and 1980s. He was a great Nova Scotian and a great Canadian. He was to me, and to many, an even greater friend.

To his wife Sylvia, to his children and grandchildren, I send my best wishes. My good friend, who came here to Parliament Hill after retirement to be with his dear retired colleagues, year in and year out, regardless of his health, will be deeply missed by all who knew him and especially by me.

May God bless you, Robert.

[Translation]

INTERNATIONAL DAY OF VIOLENCE AGAINST WOMEN

Hon. Rose-Marie Losier-Cool: Honourable senators, November 25 is the International Day for the Elimination of Violence Against Women. I would have preferred to talk of something else, but even today, in the year 2004, women and girls continue to be subjected to violence by the opposite sex.

Women are too often perceived as the weaker sex, passive, submissive and dependent. There are still far too many men who think that the primary role in society which they have arbitrarily assigned to themselves gives them every right over women, including the right to use violence against them. This aggression can range from slaps to murder, and all the way in between, from punches to genital mutilation, rape, and permanent disfiguration with acid.

Violence is not always physical, however. It can also be economic, familial, intellectual, psychological, political or religious. One-quarter of the women on this planet will suffer some form of sexual violence at least once during their lifetime. In the United Kingdom, violence toward women generates one call a minute to the police. In North America, a woman is attacked every 15 seconds. Every 72 hours, a woman is killed by her partner somewhere in the world. Why? No one can explain or justify such statistics.

There are more women than men on this planet, so why this universal and unending violence toward them? Why should their quality of life, perhaps life itself, be endangered every day, perhaps even every hour?

Honourable senators, I implore you to do everything in your power to ensure that, in Canada at least, women can fully enjoy the lives they have been given without being the object of violence. Let us think of our mothers, aunts, wives, sisters, daughters, nieces and granddaughters.

• (1340)

Today the New Brunswick Advisory Council on the Status of Women launched an awareness campaign to prevent violence against women. Joining in the campaign are the young blues musician, JP LeBlanc, and Aboriginal rap singer, Ray Suga, showing that it is not just women who are protesting. The theme of the campaign is: "When we see violence, we say that's not right. Take a stand."

The campaign ends on December 10. We must do our utmost to finally get this message across to men and to boys, who one day will be men themselves.

[English]

AIDS AWARENESS WEEK

Hon. Donald H. Oliver: Honourable senators, this is AIDS Awareness Week. In November 2003, the Prime Minister showed leadership in the fight against HIV/AIDS when he introduced Bill C-9, which allows inexpensive medication to reach millions of Africans suffering from AIDS.

After the bill received Royal Assent, the Prime Minister announced a \$100-million contribution to the World Health Organization that will help bring health services to more than three million people with AIDS by 2055.

Since then, the Prime Minister has been silent. A lead editorial in the *Globe and Mail* on November 9 of this year stated, "Canada has had nothing of substance to offer in the fight against HIV/AIDS." Honourable senators, we must do better.

After the Prime Minister's decision to introduce legislation last November, AIDS activist Bono famously stated that Canada "...will show the world the way forward" when it comes to assisting African nations in the fight against HIV/AIDS.

Stephen Lewis, the United Nations Special Envoy for HIV/AIDS in Africa called the Prime Minister's decision last November "a historic precedent." He urged Canada to continue its strong leadership in the fight against HIV/AIDS, but the *Globe and Mail* said that, since then, everything has been silent.

Last week, Tony Blair demonstrated Great Britain's commitment to fighting the AIDS pandemic. He announced that AIDS in Africa will be his top priority when the United Kingdom chairs the Group of Eight's general meetings in 2005. He also established a Commission for Africa. In 2005 the commission will table a comprehensive plan on how to address the AIDS epidemic. It will also give specific steps that the international community can follow to support Africa's development.

In response to these measures, Stephen Lewis stated in the *Globe and Mail* on Monday, November 20 that "...the future of the world's response to AIDS now rests financially with the United Kingdom."

I would call honourable senators' attention to this issue because AIDS Awareness Week is the perfect opportunity to address Canada's vital role in fighting the AIDS pandemic. AIDS Awareness Week is the main public awareness campaign for HIV, which is held around the world each year from November 24 to December 1.

Honourable senators, today 9,500 Africans will come into contact with the AIDS virus and 6,500 will die of it. Canada must not remain silent. African nations desperately need our help. The Prime Minister must reaffirm Canada's role in fighting the spread of HIV/AIDS in Africa.

THE LATE DAN IANNUZZI, O.C.

Hon. Jeremiah S. Grafstein: Honourable senators, this week we learned that Mr. Trudeau is climbing up the charts to become Canada's Greatest Canadian. Why? For the simple idea of Canada as a distinct society: a bilingual and multicultural society. This week, we learned as well of the sudden passing of Daniel Iannuzzi, the visionary dreamer and co-founder of Canada's, and the world's, first multilingual television station in Toronto, who tried to breathe life into Mr. Trudeau's idea.

Dan was also a founder of the Canadian Italian daily, *Corriere Canadese*, which he started in 1954 at the tender age of 20. Over the years he acquired and published a number of other third language newspapers.

Dan shared the intellectual direction of his enterprises with his wife, Elena Caprile, and the business direction with his long-time partner and brother, Paul.

Dan, a Montreal-born Canadian of Italian descent, dedicated his life and work to eradicating systemic discrimination in our society against third languages and third language groups, especially those of Italian descent.

If Dan had problems, it should be said that his heart was larger than his body. He could not bring himself to say no to a writer, producer or artist with a problem and, in his business dealings, he was the eternal optimist. He was probably too optimistic.

For years he fought for a national multilingual, multicultural television service across Canada. He could not persuade the regulators to make it a part of the basic service. As I said, Dan wanted to breathe life into the idea of a bilingual, multicultural Canada.

I first met Dan over 30 years ago. I was a co-founder of CityTV that changed television to reflect the face and voices of the streets of Toronto. We enlisted Dan as the producer of our weekend segment on multilingual programming.

This segment quickly outgrew its allocated weekend time slot, so Dan and I set off to co-found the first full-fledged multilingual television service, the first fully independent multilingual television service broadcast in over 20 languages weekly in Toronto, the very first of its kind in the world.

Beneath the radar of these new programming services were fierce battles with regulators, media buyers, advertisers and competitive broadcasters who first opposed, then sought to augment, these services by carrying their own third language service.

Dan has suddenly left us. Who will take up the leadership to fight for the equality of multiculturalism and third language treatment on the public airwaves?

Our deep condolences to his wife Elena, his family and brother Paul, who stood and fought these battles beside him with grace and ferocity.

Dan was a pioneer. Perhaps he dreamed too greatly, but those dreams came to be shared by millions of Canadians from coast to coast to coast.

Hon. Consiglio Di Nino: Honourable senators, I too would like to add a few words in paying homage to my friend, Dan Iannuzzi.

This past weekend, Canada lost a great son. Dan Iannuzzi, a highly respected broadcaster, publisher, and community activist passed away while on a visit to Italy.

Dan, a third generation Canadian of Italian background, was a friend of mine for more than 40 years. He was a visionary and he was a trail blazer. He was a man who became the standard to copy in third language media, and many did. He led the way for fair and equal treatment of new Canadians. While he was proud of his ancestry, he was one of the fiercest and most passionate Canadians I have ever met.

Dan was a determined man who would not easily be derailed in his quest for justice and equality. Those who stood in his way eventually came to admire and support him. Among the many awards and recognitions bestowed upon him, he was a recipient of the Order of Canada, whose insignia he always wore with great pride.

Honourable senators, please join with me in expressing to Elena and Paul and the rest of his family our sympathy and condolences and to you, Dan, *grazie*, thank you for all you did for Canadians.

[Translation]

ROUTINE PROCEEDINGS

RENEWAL OF DECLARATION OF PROPERTY QUALIFICATION

LIST OF SENATORS TABLED

The Hon. the Speaker: Honourable senators, pursuant to rule 135, I have the honour to table the list of senators who have filed a renewed Declaration of Property Qualification.

FEDERAL LAW- CIVIL LAW HARMONIZATION BILL, NO. 2

REPORT OF COMMITTEE

Hon. Lise Bacon, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, November 25, 2004

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill S-10, a second act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law, in obedience to the Order of Reference of Tuesday, October 26, 2004, has examined the said Bill and now reports the same without amendment, but with observations in an appendix to this report.

Respectfully submitted,

LISE BACON
Chair

(For text of the observations, see today's Journals of the Senate, p. 228.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Bacon, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1350)

[English]

TAX CONVENTIONS IMPLEMENTATION BILL, 2004

REPORT OF COMMITTEE

Hon. Jeremiah S. Grafstein, Chair of Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, November 25, 2004

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill S-17, an Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion, has, in obedience to the Order of Reference of Wednesday, November 17, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

DECENTRALIZATION OF FEDERAL DEPARTMENTS, AGENCIES AND CROWN CORPORATIONS

NOTICE OF INQUIRY

Hon. Percy Downe: Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I will call the attention of the Senate to the benefits to the decentralization of federal departments, agencies and Crown corporations from the National Capital to the regions of Canada.

QUESTION PERIOD

TRANSPORT

AIRPORT RENTS

Hon. Ethel Cochrane: Honourable senators, my question is directed to the Leader of the Government in the Senate.

Industry stakeholders and watchdogs such as Transport 2000 have raised concerns about the governance model that is in place for local airports. Some say, for example, that there is no accountability to users and that the authorities have become "unregulated and largely uncontrollable monopolies." That comes from the *National Post* of November 12, 2004.

The Minister of Transport has publicly acknowledged these concerns and has said that his government needs to move forward with legislation to enhance governance, accountability and transparency, at least insofar as airports are concerned.

Can the leader indicate if the Minister of Transport has any plans to freeze or to reduce the burden of airport rents? Also, I should like to know if he has had discussions with the Minister of Finance or representatives from that department on the issue of airport rents.

Hon. Jack Austin (Leader of the Government): Honourable senators, I answered a similar question in the last few days. The answer is that the Minister of Transport is studying the entire question of airport rents and has announced that a study is underway. He recognizes that the structure of airport rents is not an equitable one and is looking to make proposals shortly.

With respect to the Minister of Finance, he is well aware of these issues.

Senator Cochrane: Honourable senators, I should like the minister to be even more specific on this matter.

I am reading from the *Financial Post* the minister's statement about acting on this thorny issue of airport rent. Does the minister know or can he tell me specifically what he has in mind? Does he plan to freeze rents? Does he plan to reduce these rents?

Senator Austin: Honourable senators, I would like to be helpful in answering the honourable senator's specific question, but, as I have said, the minister has initiated a study, and the nature of a study is that there is no way of determining how those issues will be dealt with at this stage. The facts come first, then the analysis, and then a decision. At the moment, we are at the process of assembling the factual data on the airport rent situation.

AIRPORT INDUSTRY— REDUCTION IN COSTS TO TRAVELLERS

Hon. Ethel Cochrane: Honourable senators, each year the airport industry gives a great deal to the Government of Canada, particularly in the form of security fees, fuel excise taxes and airport rents. The much-maligned air traveller security charge, for instance, was created as a revenue-neutral tool. However, by the end of the 2003 fiscal year, it had already brought in \$234 million over and above what was required. Add to that airport rents. This year, the nine listed airports paid around \$235 million. By 2007, this cost will have risen to \$349 million. We should also remember that the airlines pay an estimated \$100 million every single year in the form of an excise aviation fuel tax, above and beyond everything else.

Honourable senators, as regular travellers, we can all attest that these fees are passed on to the Canadian air traveller. The minister has acknowledged that there are inequities in the system. What does the government intend to do to give the Canadian traveller a break? Is there any relief in sight?

Hon. Jack Austin (Leader of the Government): Honourable senators, I believe Senator Angus asked a similar question a few days ago, and I responded to it at that time. I am sure that Senator Cochrane and senators are quite aware that when I advise that the minister is conducting a study, I am not in a position to pre-empt the conclusions of that study. The mere fact that a study has been launched indicates that the minister is concerned about the questions raised and intends to take action if the analysis indicates that action is required.

Finally, I would say to Senator Cochrane that of course we understand that the air traveller is paying some of the cost — indeed, much of the cost today — of air travel. However, the issue is this: What is the appropriate cost for the air traveller?

CITIZENSHIP AND IMMIGRATION

RULES AND PROCESSES FOR REFUGEE CLAIMANTS

Hon. David Tkachuk: Honourable senators, today it was reported in *The Globe and Mail* that Toronto Holocaust denier Ernst Zundel filed a lawsuit against the federal government alleging that the nearly two years he has spent behind bars were a violation of his constitutional rights.

• (1400)

Earlier this year, Minister of Citizenship and Immigration Judy Sgro offered a secret deal to churches that would have them cease providing sanctuary for refugees. In exchange, each year, the churches would put forward a small number of cases to receive a special 10-day ministerial review.

In the case of Mr. Zundel's slow removal from Canada, this government has long given the explanation that the system and its process must be allowed to run their course. However, in this instance, it appears the federal government is quite willing to fast-track the review of a select number of cases that will come from outside the regular immigration system. Why is there the appearance of a double standard? Why are rules and processes important for some refugee claimants and not others?

Hon. Jack Austin (Leader of the Government): Honourable senators, it is obvious on the face of it that the two issues raised by Senator Tkachuk are unrelated. The Zundel case is before the courts, and that judicial process must be allowed to continue. There is to be no ministerial or political interference while the courts have that issue in front of them.

With respect to persons who have taken refuge in churches, a custom — not a law — has been adhered to from time to time that people who are in church sanctuary will not be physically removed by the government. The government is seeking an accommodation with churches — and it is not a secret accommodation — so that the process can be regularized, not encouraged so that people will not believe that the way to circumnavigate Canadian immigration law is to head for religious sanctuary and appeal to the constituents of that sanctuary for protection.

REFUGEE CLAIM BY MR. ERNST ZUNDEL— COST TO GOVERNMENT

Hon. David Tkachuk: There are two avenues: either run to a church or the local campaign office of Minister Judy Sgro. I am not sure which is quicker; nonetheless, it seems both systems work well.

Regarding secret processes, on March 10 and May 5 of this year, I asked the Leader of the Government in the Senate what the cost has been to the Canadian taxpayer of Mr. Zundel's continued presence in our country. I have never received an answer to that question. I am sure Canadians would like to know the answer, so I will ask again: What has been the cost to the taxpayers of Mr. Zundel's stay in Canada?

Hon. Jack Austin (Leader of the Government): Honourable senators, with respect to the request relating to the cost, not, I presume, of Mr. Zundel's stay but of his incarceration during the judicial proceedings, I will make inquiries. I am sorry that the answer to that question escaped my attention. I think on this side we have been diligent about answering questions for which notice has been taken.

With respect to the honourable senator's remark regarding the Minister of Citizenship and Immigration, political commentary is expected, I suppose. My honourable friend may be aware that the minister has referred the matter to the Ethics Commissioner, who is responsible for the behaviour of public office-holders, including ministers, under the Prime Minister's code of conduct. The minister has said that she wants the report of the Ethics Commissioner to be made public.

I would urge that remarks relating to the event, which is now before the Ethics Commissioner, be reserved until the facts are

known. I am sure Senator Tkachuk would not want his remarks to run ahead of the facts.

Senator Tkachuk: I would never want to do that.

FOREIGN AFFAIRS

RWANDA AND SUDAN—AID AND ASSISTANCE

Hon. A. Raynell Andreychuk: Honourable senators, rumours and indications have been in the media that Rwanda is threatening to launch, in the near future, a cross-border attack on the Congo against Rwandan Hutu rebels who have been harboured there for some time. The Great Lakes region of Africa has been in great turmoil, most notably with the Rwandan genocide, which this Senate passed a resolution to commemorate and indicate that it should never happen again.

The Prime Minister has also been on record as supporting the duty to protect, including citizens against their own government. In this case, since the Prime Minister is on record that preventative action to save lives is the way that he wishes to go, what actions is the Prime Minister taking, particularly when he is in Africa at this time, to ensure that no more lives are lost in Rwanda?

Hon. Jack Austin (Leader of the Government): Honourable senators, I very much appreciate the question that Senator Andreychuk asked, and I will seek further information with respect to the Rwandan situation and the response of the Canadian government.

Senator Andreychuk: Sudan is also of concern on a duty-to-protect basis, if that is the new initiative of the government. While we have taken humanitarian action, we have not, in my opinion, taken strong political action to ensure that the Sudanese government does not further exacerbate the Darfur region. Parliamentarians from both the government and the opposition side have repeatedly stated that more must be done in Darfur. When the Prime Minister meets with Sudanese authorities, aside from engaging in dialogue, will he be taking further steps?

Senator Austin: Honourable senators, I know Senator Andreychuk does not mean to be unfair, but I believe that the Government of Canada has been in the vanguard in dealing with the Darfur situation. The Prime Minister himself is in Sudan holding talks and making representations concerning the behaviour of the Sudanese government, the first leader of a G8 government to do so.

The government has made a larger contribution to the refugee situation in Sudan than any other, and the Prime Minister has taken the lead in urging the international community to act collectively on the doctrine of the duty to protect, which he put before the United Nations recently.

This doctrine is not one on which Canada can act unilaterally. Canada is the lead advocate in changing the international norm with respect to state sovereignty, so when Senator Andreychuk asked the question the way she did, it had the implication that Canada should do something in the nature of a unilateral intervention in Sudan. Senator Oliver has made those representations in questions as well.

I am saying again, and I want to be clear, that Canada must be a leader in changing the behavioural system of the world community in terms of endangered minorities, and we are doing that in every way possible. The Prime Minister has made those statements this week in Chile, Brazil, Sudan, and at the Francophonie Summit and he will take every opportunity, including the forthcoming meeting with President Bush to discuss the point. I believe that it is in the interests of all Canadians to support this effort and not to create impossible expectations of instant results.

• (1410)

Senator Andreychuk: I do not think my comments were unfair at all, honourable senators. In August, Mr. David Kilgour sent an open letter to the Prime Minister indicating that political steps, not just humanitarian steps, should have been taken. Canada has intervened, and I think admirably, in the humanitarian area. However, it is too late when Sudan has taken so many actions that have cost lives and continue to do so. While it is commendable that the Prime Minister is in that country now and speaking to the Sudanese, it would have been preferable to have had political discussions with the Sudanese government and then taken initiatives in the United Nations. Canada can take all kinds of initiatives beyond indicating that it cannot act unilaterally. Canada can exert leadership by initiating steps within the United Nations.

The minister indicates that the Prime Minister will be taking further steps. What steps? The Canadian people need to know that it will not be just a dialogue, that, as the history of Sudan for the last 20 years has proven, is ignored. What concrete steps is the Canadian government putting forward to the Sudanese?

Senator Austin: Honourable senators, I would repeat that the Canadian government is a critical advocate for action by the international community to deal with these humanitarian situations. The steps taken by the Prime Minister will stake Canada, internationally, to a strong stand. In the humanitarian area, Canada is contributing aid at a level that is in excess of that of any other party in Sudan. Canada is also a leader in this regard in Haiti and Afghanistan. We are proposing to assist the electoral process in Iraq. We are also proposing to assist the electoral process with the Palestine Liberation Organization. We are taking specific steps. We have Canadians in vast numbers abroad working on all of these issues.

The Prime Minister has taken members of the opposition on this particular visit to Sudan, and it will be interesting to receive the reports and judgment of those members of the opposition. I am referring here to Senator Lynch-Staunton and Senator Comeau, whose views will be most interesting to hear.

I would urge senators opposite to be non-partisan and highly supportive of a bipartisan policy with respect to Canada's role in trying to ameliorate these disastrous situations in the world.

Senator Andreychuk: Honourable senators, I personally cannot subscribe to ameliorating the conditions. It is Canada's role and, internationally, it is essential that we play a preventative role, not a remedial one. International aid after a crisis occurs comes too late. Rwanda cannot afford to lose another life. That community

is devastated. We said, "Never again," so now is the time to intervene in Rwanda. Now is the time to take preventative action. I plead for preventative action, not remedial action, and I would ask the minister to take this matter up with the government.

Senator Austin: I hope the honourable senator will take yes for an answer, but the question of preventative steps is one of incredible complexity. I do not know whether Senator Andreychuk is advocating unilateral military intervention by Canada, or whether she is advocating that Canada contract for mercenaries. I am curious indeed to know more about what she considers to be preventative action.

Senator Andreychuk: Honourable senators, I have to respond on a point of integrity. I do not believe I have ever asked for military intervention of any kind, and that implication is a disservice to my question.

We have many preventative instruments. We have the United Nations. We now have the new Organization of African States. We have a myriad of preventative techniques that are not military. Precisely, I am asking that Canada intervene earlier, urging and leading the international community in non-military action. Rwanda cannot afford further military action.

Senator Austin: Honourable senators, Senator Andreychuk and I are talking about the same thing, and the word "preventative" is not obviously capable of being understood without further definition. Now we have a further definition from Senator Andreychuk. I want to assure honourable senators that Canada is working through every pertinent international organization to deal with the issue.

CITIZENSHIP AND IMMIGRATION

ALLEGATIONS OF POLITICAL INTERFERENCE BY MINISTER—INVESTIGATION BY ETHICS COMMISSIONER

Hon. Marjory LeBreton: Honourable senators, a moment ago the Leader of the Government in the Senate referred to Minister Sgro's case before the Ethics Commissioner. I have a specific question with regard to that issue.

There has been some confusion as to when the Minister of Citizenship and Immigration asked the Ethics Commissioner to investigate charges of political interference that have been brought against her and her staff. While the minister may have informally spoken with the Ethics Commissioner on November 4 on this matter, a formal request for a review was made last Monday. However, there have since been reports from the Ethics Commissioner's office that it did not receive the minister's information for several days after Ms. Sgro said the review had begun.

Could the Leader of the Government in the Senate find out and report back to us as to when the minister made all of her information relevant to this file available to the Ethics Commissioner?

Hon. Jack Austin (Leader of the Government): I will make inquiries, honourable senators.

Senator LeBreton: Honourable senators, it is not clear that the Ethics Commissioner has been asked to conduct a full investigation, one that would include interviews with immigration department officials, former staff members and campaign workers, among others. Currently the Ethics Commissioner has only been asked to conduct a review based solely, so we are told, on information given to him by the minister.

Could the Leader of the Government in the Senate assure us that the Ethics Commissioner will carry out a thorough investigation based on all pertinent information and interview all of the people who are involved in this matter, going back to campaign workers in the June election?

Senator Austin: Honourable senators, I am not in a position to assure you what the Ethics Commissioner will do. He has been given charge of this issue and he will proceed in whatever manner he deems appropriate. His report will be made public, and if the report is not satisfactory to members of the other House, they may be persuaded to take other steps.

Senator LeBreton: Quite rightly, the honourable senator does not speak for the Ethics Commissioner. Would the Leader of the Government then impress upon his colleague — who is still in the cabinet but maybe not for long — that she turn over to the Ethics Commissioner all relevant documentation, and that the government suggest to the Ethics Commissioner that these people I mentioned in my previous supplementary be investigated and included in this file?

Senator Austin: I believe the best course of action is to let the current course of action unfold.

OFFICERS OF PARLIAMENT

APPLICATION OF PRINCIPLE OF *SUB JUDICE*— PROCESS OF RESPONDING TO QUERIES ON MATTERS UNDER REVIEW

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, does the Leader of the Government in the Senate believe that there is a distinction to be made in the application of the principle of *sub judice* whereby the Legislative Branch of Parliament does not interfere in a matter that is before a judge or before the courts? In instances when a matter has been referred to an officer of Parliament, is it the government's view that the *sub judice* principle applies to these officers and, if so, upon what basis?

Hon. Jack Austin (Leader of the Government): Honourable senators, a process has been set in place by Parliament and by the other House to deal with issues of this kind, and that process is the one that should be honoured by the current proceedings.

Senator Kinsella: The question, honourable senators, is that, although the legislative branch restrains itself if a matter is before the courts, a matter before some officer of Parliament ought not to restrain Parliament. The matter can be totally under the investigation of the Ethics Commissioner, or any other officer of Parliament dealing with another issue, but that ought not, in my judgment, impede questions and answers from parliamentarians or, in this case, the minister.

• (1420)

I do not know the principle that allows the minister to refuse to answer questions in Parliament because a matter is under inquiry by some officer. If it were a matter before the courts, I understand the application of the principle of *sub judice*, but I do not know where the *sub judice* principle is to be applied. Where does this come from?

Senator Austin: Honourable senators, I know Senator Kinsella is a devotee of human rights and, basically speaking, any inquiry of this nature, whether it is the Gomery commission or the Ethics Commissioner, is an inquiry of a quasi-judicial nature.

The objective of these inquiries is to do no harm to an individual but to seek the truth on the basis of an objective finding of fact through a process similar to that which deals with the rights of any citizen in this country. By a parity of reasoning, as my old philosophy professor used to say, a minister of the Crown has the rights of any other citizen in this respect.

It is always perfectly understandable in a process like Parliament that there will be political advocacy when people believe political advantage can be gained. The right to ask those questions is undeniable, but the paramount right of justice here is to determine first, by an impartial process of a quasi-judicial nature, what actually took place and then to let the consequences follow.

I admired Senator Kinsella's colleague, John Reynolds, for his statements with respect to the Gomery commission and the absolute importance of no parliamentary interference with its processes.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—CONTRACTS WITH SIKORSKY— KNOWLEDGE OF LEADER OF THE GOVERNMENT

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. The minister is a member of two important cabinet committees, the cabinet operations committee responsible for the day-to-day operations of government and the cabinet global affairs committee responsible for foreign affairs. If the government list is correct, why did the Leader of the Government, and a member of these two committees, not know about the signing of contracts worth over \$5 billion in one of the most controversial and politically charged defence capital acquisitions in Canadian history?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank the Honourable Senator Forrestall for his question.

The process of cabinet committee determination is to set policy and to delegate decision-making under that particular policy. The cabinet and its committees determined that the acquisition of helicopters was necessary for the purpose of the Government of Canada, and it delegated that actual determination to the Department of National Defence, Department of Public Works and other agencies.

Another committee of which I am not a member, called the Treasury Board, may have had a role to play as well.

The honourable senator is right: I am on those two committees and also on the cabinet committee on Aboriginal affairs.

ANSWER TO ORDER PAPER QUESTION TABLED

HEALTH CANADA—EXPENDITURES UNDER TOBACCO CONTROL PROGRAM

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 3 on the Order Paper—by Senator Spivak.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table responses to two questions raised in the Senate: the first delayed answer is in response to a question raised by Senator Murray in the Senate on October 27, 2004, regarding the matter of equalization payments and British Columbia.

[English]

The second delayed answer is in response to a question raised by Senator Murray on November 2, 2004, regarding Newfoundland and Labrador and offshore oil resources.

PRIME MINISTER

EQUALIZATION PAYMENTS—OIL REVENUES

(Response to question raised by Hon. Lowell Murray on October 27, 2004)

The Government of Canada has introduced changes to Canada's Equalization program and Territorial Formula Financing (TFF) arrangements. The intent of these changes is to bring stability, predictability and growth to the overall level of funding for these programs and to have third-party expert advice on the best way for the Government of Canada to allocate payments among provinces and territories.

In order to provide greater stability to provinces and territories in 2004-05, the Government of Canada will ensure that Equalization payments total a minimum of \$10 billion for 2004-05 and that TFF payments total a minimum of \$1.9 billion for 2004-05. In addition, each province and territory will be guaranteed that its Equalization or TFF payments for 2004-05 will not be lower than the amount announced in official estimates for 2004-05 included in Budget 2004. For British Columbia, this will mean \$248 million in additional payments in 2004-05, for a total of \$682 million.

Starting in 2005, the Government will establish a legislated financial framework for both Equalization and TFF. The new framework will establish fixed payment

levels, which will provide predictable and growing funding for provinces and territories. Funding levels for 2005-06 will be set at \$10.9 billion for Equalization and \$2 billion for TFF. For British Columbia, this will mean an additional \$156 million in 2005-06, for a total of \$590 million.

Under the old system, a province's entitlement was set based on the fiscal capacity of that province relative to the five-province standard. In addition, if B.C.'s fiscal capacity from its own revenues increased, its Equalization entitlements changed accordingly. The new system will sever — at least temporarily — the direct link between own-source fiscal capacity and overall level of Equalization. In the short term, that is, for 2004-05 and 2005-06, allocations have been based on levels agreed to by the provinces. In the longer term, for 2006-07 and beyond, the Government will determine the allocations based on advice from the Expert Panel that will report by the end of 2005.

FINANCE

EQUALIZATION PROGRAM— OFFSHORE OIL RESOURCES—NEGOTIATIONS WITH NEWFOUNDLAND AND LABRADOR

(Response to question raised by Hon. Lowell Murray on November 2, 2004)

The Government of Canada is conducting discussions with Nova Scotia and Newfoundland and Labrador as expeditiously as possible. Following several meetings with provincial ministers (Energy Minister Cecil Clarke of Nova Scotia and Finance Minister Loyola Sullivan of Newfoundland and Labrador), and discussions between officials, Minister Goodale wrote to these ministers on October 24 to convey an offer from the Government of Canada.

The main elements of this offer are well known — the Government of Canada is prepared to provide additional annual payments that will ensure each province effectively retains 100 per cent of its offshore revenues for an eight year period covering 2004-05 through 2011-12, subject to the provision that no such additional payments results in the fiscal capacity of the province exceeding that of the province of Ontario in any given year.

As an alternative, if the provinces so choose, the Government proposed providing predetermined annual amounts over the same time period that would not be subject to annual volatility, thereby providing the governments of Newfoundland and Labrador and Nova Scotia more stability and predictability for budgetary planning.

Offshore resource revenues are today owned and collected 100 per cent by the Governments of Newfoundland and Labrador and Nova Scotia, with Equalization payments coming on top of those revenues. The potential payments that would be provided as a result of these arrangements would come in addition to the

offshore resource revenues, Equalization entitlements and benefits under the existing offshore accords. This is a more favourable treatment than other provinces enjoy.

In general, as a province becomes more prosperous, its Equalization entitlements decline. In other words, Equalization transfers fill in the gap to ensure that less prosperous provinces do not have to resort to economically damaging levels of taxation to fund the public services in the province. For Equalization to work, provincial revenues should be assessed, including natural resource revenues, in order to determine each province's fiscal capacity.

Under the proposed arrangement, Newfoundland and Labrador and Nova Scotia would benefit from special treatment on revenues for natural resources. That is why the Government of Canada's proposal provides significant increases in funding, but would limit the special treatment of offshore revenues to the point at which Nova Scotia and Newfoundland and Labrador's per capita wealth reaches that of Ontario.

Fairness dictates that, for the purposes of such a comparison, all the revenue sources need to be included:

- Own source revenues, including 100 per cent of the offshore — of course
- Equalization payments — because these are paid to the province by the federal government to bring its fiscal capacity up to the Equalization standard
- Accord payment or Generic Solution — because these are the existing special offsets that already raise Newfoundland and Labrador's fiscal capacity above that of other provinces.

To fail to recognize any or all of these sources would be unfair to the people of the provinces that are paying these benefits to Newfoundland and Labrador.

The Government's offer to each province is based on the same key elements. Any subsequent arrangement will be required to meet the same test that the essential elements of the arrangement be alike for each province.

ORDERS OF THE DAY

LIBRARY OF PARLIAMENT

FIRST REPORT OF JOINT COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the first report of the Standing Joint Committee on the Library of Parliament (mandate and quorum) presented in the Senate on November 24, 2004.—(*Honourable Senator Trenholme Counsell*)

Hon. Marilyn Trenholme Counsell: Honourable senators, I move the adoption of the report.

The Hon. the Speaker: It is moved by the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Adams, that this report be adopted now.

Do you wish to speak, senator?

Senator Trenholme Counsell: I do not think it is necessary. I think this is a routine motion and we will be discussing it later.

Hon. Eymard G. Corbin: I have a question or two for the honourable senator. I believe she is the joint chair of that committee.

I see that she is seeking to have a quorum of four members to do the work of the committee. That is not necessarily a quorum of four senators; it is four members total from both Houses; is that correct?

Senator Trenholme Counsell: Yes, honourable senators, this is a joint committee of the two Houses, so it is a quorum of the total committee.

Senator Corbin: I wish to know how many members are on that committee in total, from both Houses.

Senator Trenholme Counsell: I regret to say that I do not have that figure at present. I believe there are six or seven, but I am not sure.

• (1430)

Senator Corbin: Rule 86(1), which sets up committees, states:

The standing committees shall be as follows:

(a) The Joint Committee on the Library of Parliament to which shall be appointed seventeen Senators.

I thought that was a misprint, so I looked at the French version and it does say "dix-sept." That implies that there would probably be at least double that number from the other House.

Senator Trenholme Counsell: Honourable senators, I believe that six or seven members attended the other day. I should like to check this for honourable senators and return with the answer, unless someone here has the complete reference.

Senator Corbin: I do not mean to catch the honourable senator off guard. I am sure that what she is saying is correct. Seven senators were present, but I find it rather unusual that the number of members to be appointed is 17.

Hon. Terry Stratton (Deputy Leader of the Opposition): For clarification, I would mention that we have six members.

Senator Corbin: The rule says that there “shall be appointed seventeen Senators.” This is what I am trying to clear up.

I do not believe that there was a change to the rules that was not included in the new edition of this rule book, which is dated October 2004.

When you suggest a quorum of seven members in one instance and four in the other, that is not conducive to good attendance on the part of anyone. I am trying to figure this out.

This is a consultative committee to both the Speaker of the Senate and the Speaker of the Commons. I understand that the members act in an advisory capacity. Many members from both Houses are members of this committee, while we are encountering difficulties in having a sufficient number of senators attend the more important work of this house, if I may humbly put it that way.

It is probably not the fault of Senator Trenholme Counsell. It certainly is provided for in the rules. It appears to be a built-in anachronism. It creates an imbalance in the workload among senators.

In asking the honourable senator these questions my intent is to bring this to the attention of the full house.

Furthermore, the motion seeks to obtain permission to sit while the Senate is sitting. Many committees of this house deal with the most important issues, and it takes a lot of negotiation to obtain permission for some of those committees to sit while the Senate is sitting.

I do not think we should treat this lightly. I raise it for what it is worth. In the rules that establish the various committees, there is a great deal of imbalance, which results in certain kinds of injustices with respect to other committees.

This is one of the lucky committees that would be allowed to sit while the Senate is sitting. I suppose that is being imposed on the honourable senator by the other side, otherwise they will not sit.

The members of the Standing Senate Committee on Official Languages, of which I am currently the chair, were told that we could hold meetings, but with the condition that we could sit only on Mondays, when this house is generally not sitting.

Senator Forrestall: We sit every Monday.

Senator Corbin: The rules provide for Monday sittings.

Senator Forrestall: Sometimes we sit on Sundays.

Senator Corbin: Senator Forrestall must be working under the shadow of Senator Kenny.

Some Hon. Senators: Hear, hear!

Senator Corbin: I am not personalizing this issue, honourable senators, but I believe that there are built-in injustices in the way Senate committees are treated and I think there should be a level playing field.

I would like the Standing Senate Committee on Official Languages to be able to sit during regular working days of the Senate — Tuesday to Thursday. Why should my committee be obliged to sit only on Monday afternoons? Two members of our committee have to travel to Ottawa from British Columbia and two other members come from the East Coast. An onus is put on them that is not put on other senators who sit on glorious advisory committees such as this one.

I do not want to belittle the committee's task of advising the Speakers, but I will ask the honourable senator this: Does the committee ever report to this house or does it keep its advice strictly private to Their Honours, the Speakers of both Houses? Do we ever see a report from the Library of Parliament?

Senator Trenholme Counsell: Honourable senators, I am delighted that Senator Corbin has brought this issue to life. I was told that nothing much ever happens in this committee and that there is not much interest in its work. However, I can see that there is a good deal of interest. In fact, when we had our first meeting, I was a little taken aback by the fact that everything seemed to be so routine, that there was no discussion or debate or that there was no business to do. As I have had a passionate interest in libraries over many years, I suggested that we should do more.

As to the honourable senator's question about reporting, the answer is yes. We will report and we will make things happen.

Senator Corbin is quite right that, as the rule book says, 17 senators are to be appointed to the Joint Committee on the Library of Parliament. There is permission to meet while the Senate is sitting because this is a joint committee. This allows greater freedom in coordinating meetings between the House of Commons and the Senate.

I would assure the Honourable Senator Corbin that this committee will be active. We will report. I welcome this intervention today. It is a wake-up call to me. We should be active and accomplish something. We appreciate the honourable senator's advice and, most certainly, his intervention today.

Senator Corbin: Would the honourable senator support a motion by me to allow the Official Languages Committee to sit while the Senate is sitting in the same way as we are prepared to grant the Library of Parliament Committee that licence?

Senator Trenholme Counsell: Honourable senators, it is not within my power to make such a decision.

Hon. Bill Rompkey (Deputy Leader of the Government): In view of the great interest in this issue and the questions that have been raised, would Senator Trenholme Counsell agree to stand the item until the next sitting of the Senate?

On motion of Senator Trenholme Counsell, debate adjourned.

• (1440)

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 30, 2004, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, November 30, 2004, at 2 p.m.

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 38th Parliament)

Thursday, November 25, 2004

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

**GOVERNMENT BILLS
(SENATE)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations			
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0			
S-18	An Act to amend the Statistics Act	04/11/02							

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16							
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18							

COMMONS PUBLIC BILLS

[illegible]

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology					
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20							
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27							
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04							

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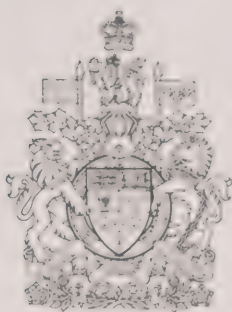
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(HANSARD)

Tuesday, November 30, 2004



THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Tuesday, November 30, 2004

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

CANADA-UNITED STATES RELATIONS

VISIT BY PRESIDENT

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I rise to welcome, on behalf of the Conservative opposition senators, the President of the United States to Canada, to Ottawa and to Parliament Hill.

Hon. Senators: Hear, hear!

Senator Kinsella: The President's presence in our nation's capital today is an event that has been widely anticipated, and I think it is safe to say that the vast majority of Canadians are pleased that the President is here with us, notwithstanding the contrary views regarding particular issues of the day.

Our nations, honourable senators, have a common heritage, common origins, common values, a common outlook and a common border. We are inextricably bound together with our neighbours by these commonalities. By and large, the relationship between Canada and the United States has been one of respect and friendship. In fact, it has been a familial relationship.

Indeed, when the President visits Halifax, he will meet some of our family members who live on both sides of the border along the Atlantic coast. He will hear Maritimers speak affectionately of their cousins who live in the bordering states.

This is not to say that we do not have differences, because we do. Our nations have developed in different ways and, like siblings, at times we have had serious disagreements. For example, in the early days there was that little matter of a minor war comprising of a few border raids — although there are none here with a clear recollection of those times. Fortunately, such vigorous disagreements seem to have been put well behind us as the relationship has grown and matured.

Honourable senators, throughout the common history of Canada and the United States, military and defence issues and our mutual security interests have been a key element of our relationship. Such matters continue to be at the forefront of discussions, and our common desire to ensure the safety of all within our borders means that these subjects will always be on the front burner.

Trade disputes over the years, some of which I regret to say are ongoing, have been headline news, but for the most part, the trade between our nations has been vast and mutually beneficial. Canada remains the largest trading partner with our good neighbour to the south. Honourable senators, in the grand scheme of things, these are the irritants that arise in any close relationships. While the relationship has waxed and waned under different prime ministers, Canadians have worked hard, and will continue to do so, to resolve differences and ensure that minor problems do not become major problems.

In the spirit of our continuing friendship and on the occasion of his first official visit to our country, I wish to say to the President of the United States that he will always be welcome in Canada.

THE SPREAD OF DEMOCRACY

Hon. Jeremiah S. Grafstein: Honourable senators, today President Bush visits Canada. We welcome President Bush, his wife and his senior advisers to our nation's capital. As Co-chair of the Canada-U.S. Interparliamentary Group, now the largest interparliamentary group in Parliament, it is my hope that Canada will actively engage President Bush and the Bush doctrine, which I call "Manifest Democracy."

Senators will recall that, in 1947 the then Minister of External Affairs, Louis St. Laurent, in Toronto defined the principles and practices of Canada's foreign policy based on these words: "freedom, liberty and democracy." Mr. St. Laurent and his then Deputy Minister, Mr. Pearson, were not confused by political debate or shifting political opinion within or outside Canada when it came to Canada's strategic interests.

In 1947, the UN was gridlocked. It was Mr. St. Laurent who convinced a reluctant Mr. King that Canada should take the lead in constructing and joining a transatlantic coalition of democracies to enhance our collective security called NATO. Mr. St. Laurent had learned well from the lessons of history — the sad experience of the League of Nations and the causes of World War II. Mr. St. Laurent believed in the democratic dialectic. Both Mr. St. Laurent and Mr. Pearson were not confused. They understood that democracies did not make war with democracies.

Before the shock of 9/11, it seemed the 21st century voices for a democratic dialectic were muted. The origins of the Helsinki Process were forgotten. It was the Helsinki Process, in 1974, that laid the groundwork for democratic change in Europe. The Berlin Wall collapsed following the popular democratic movement of Solidarity in Poland and the "Velvet" revolution in the Czech Republic. The drive toward human rights and expanding democracies slowed at the turn of the century. Yet, the appetite for democracy once tasted cannot be easily satisfied. With the "Rose" revolution in Georgia, and now the "Orange" revolution in the Ukraine, democracy is on the march again.

The Bush doctrine of manifest democracy provoked by September 11, 2001, continues to gain support by raising the banner of freedom, liberty and free markets. Public sentiment for democracy is rising not only in the East, in Georgia and now Ukraine, but across Eurasia, in Afghanistan and seeping into the dialectics of the Middle East as well as, painfully, in Iraq.

• (1410)

My hope is that Canada will regain its principal place as an active protagonist and creative partner for democracy, liberty and freedom and as a forceful agent in the spread of free trade and free markets around the globe.

Canada owns a capacious toolbox of democratic instruments and best practices that can quickly and cost-efficiently be deployed to help build the infrastructure of democracy — independent parliamentary commissions; parliamentary practices, including checks and balances; separation of powers; policing; independent judging and free trade agreements.

We hope that Prime Minister Martin and Canada will actively re-engage with President Bush and America, as we did after World War II, in a collective effort to spread democracy, free trade and free markets around the world.

CANADA-UNITED STATES RELATIONS

Hon. Marjory LeBreton: Honourable senators, I, too, should like to welcome the President of the United States to Canada today. There is no doubt that good personal relations with the President of the United States are crucial. Indeed, Deputy Prime Minister Anne McLellan stressed this point on *Canada AM* today. This has not always been so, and the best expert on this is former Canadian Ambassador to the United States, Allan Gotlieb, who wrote an excellent lecture series called *Romanticism and Realism in Canada's Foreign Policy*, released November 3, 2004. I recommend the 47-page lecture to honourable senators for reading and would like to put some of his comments on the record.

In his lecture, Mr. Gotlieb deals with the state of Canada-U.S. relations when former Prime Minister Mulroney took office. He describes the brass-knuckle realism and the feel-good idealism under former Prime Minister Trudeau. The contradictions in the style, substance and expression of his foreign policy could not be resolved, and under Mr. Trudeau the symptoms of bipolarism grew ever more prominent.

When Mr. Mulroney took office, his principal priority in foreign affairs was refurbishing relations with the United States, which he made part of his campaign platform.

Trudeau's nationalist policies, in particular the National Energy Program, NEP, and the Foreign Investment Review Agency, FIRA, were viewed as helpful to neither the Canadian economy nor Canada-U.S. relations. The Liberal leader's tendency to find moral equivalence between the two superpowers, particularly at a time when Ronald Reagan was declaring the Soviet Union an evil empire, was deeply resented in the White House.

As Mr. Gotlieb stated, the goals of Mulroney's foreign policy were thus grounded in a clear view of the national interest from which he never wavered in his two terms as Prime Minister. The bedrock reality principle was that the United States was a friend and ally and not a power against which one sought counterweights. It was a foreign policy that he would direct himself. Within weeks of taking office, Mr. Mulroney went to Washington to meet former President Reagan against the unanimous counsel of his advisers in Ottawa. This set the stage for the reality-based style and substance of his leadership. He immersed himself not only in designing the grand strategy but also in most specific tactical considerations, especially as related to Congress.

Mulroney's shift from multilateralism to bilateralism in relation to the United States was a historic departure from past practices. From the outset of its post-war role, Canada had been a vigorous advocate of lowering tariffs and other barriers to trade through the General Agreement on Tariffs and Trade, GATT. To conclude that a continental arrangement with the United States was the best way to obtain increased access to American markets, marked a major breach in Canada's traditional preference for multilateral solutions. In 1965, Canada entered into the bilateral Auto Pact with the United States. However, it was limited to a single sector of the economy and was a clear exception to our multilateral orientation.

Assisted by the support of the MacDonald commission for a Canada-U.S. free trade agreement and by the positive effects of the Auto Pact, the Mulroney government pursued continental free trade to a successful conclusion. Conducting high-level personal diplomacy, Mr. Mulroney achieved his other two objectives as well: an acid rain accord with George Bush Sr. and an agreement with Ronald Reagan on the passage of U.S. vessels through our Arctic waters, providing increased recognition of Canada's claim to sovereignty.

An idealistic and, most would say, commendable streak was visible in Mr. Mulroney's vigorous but unsuccessful attempt to persuade Ronald Reagan and Margaret Thatcher to support sanctions against South Africa.

Honourable senators, Mr. Allan Gotlieb, who was appointed by the previous government, then laid out the situation that Mr. Chrétien created in Canada-United States relations, and in my view, it underlines the horrific job that Mr. Martin is faced with as he attempts to restore those good relations.

QUORUM

TWENTY-FIFTH ANNIVERSARY

Hon. Terry M. Mercer: Honourable senators, I should like to take this opportunity to read to you some interesting headlines that I read in Quorum: "Pledge on Reforms to Highlight House Opening Today"; "Cabinet Plans Major Spending Cuts"; "Liberals Probe Their Heritage"; "Grits to Make Tories Pay for Patronage Talk"; and "Angry Tory Candidates Become MPs With a Mission." The date of that Quorum was October 9, 1979.

Quorum recently celebrated its twenty-fifth anniversary. On November 4, I attended a reception where I learned many interesting facts, but I also had the pleasure of meeting the four editors of Quorum. I congratulate Ms. Linda MacLean and Ms. Trina Powell who have been with Quorum for its entire 25-year history. Ms. Jeanette Marrett and Ms. Louise Therrien have been with Quorum for three years, but I fully expect that they will reach the 25-year mark.

The amount of time served by these editors each day is astonishing. When Parliament is in session, each day from Monday to Friday, these four arrive at work at 5 a.m. to read 40 newspapers in paper and electronic format. They select the news that might be of interest to parliamentarians and they edit it. The weekday edition contains 44 pages and the Monday edition contains 50 pages.

We often forget that there are hundreds of employees in Parliament who serve important functions and serve them well. At the same time, we do not often realize the vital importance of institutions such as Quorum. We all recognize the outstanding service they provide when we read Quorum each day.

Honourable senators, I am sure you join me in congratulating Quorum on its twenty-fifth anniversary and the editors who serve it.

EXPENDITURES ON PUBLIC BUILDINGS, RESIDENCES AND INSTITUTIONS

Hon. Sharon Carstairs: Honourable senators, we all recognize that we currently have a minority government. In my view, that does not necessarily result in poor or bad government. However, several things have occurred recently that lead me to believe that Canadians may be suffering from poor government.

Canadians seem reluctant to honour their history. We interpret certain projects and budgets as partisan in nature. I believe we should rethink that attitude.

For years, we have been discussing the deteriorating conditions of the West Block and the Centre Block. As someone who sat for a number of years on the Parliament Buildings Advisory Committee under the excellent leadership of the Honourable John Fraser, P.C., I know what work needs to be done and that further delay will exacerbate the problems. We are not renovating the West Block as we should, and this process is essential if we are to renovate the Centre Block. The prime minister's residence needs significant upgrades but we hear from some politicians that the present Prime Minister should wear a sweater if he feels cold. The residence belongs to the Government of Canada. The resident is the duly elected prime minister, no what matter what political stripe he or she advocates. It is wrong to entertain guests from Canada or from other countries in a facility where plastic wrap is required on the sun porch walls during the winter months.

• (1420)

However, it was a decision last week to cut the budget of the Governor General that has raised my ire. I do not know the Governor General well, and I have never travelled with the

vice-regal couple. I also admit to having had some reservations about her appointment five years ago. However, as a Canadian, I have never been prouder of a vice-regal couple than I have been of their Excellencies. Their travel from coast to coast to coast, their decisions to spend their holidays with our troops abroad, their speeches, which always make me proud to be a Canadian, and their foreign travel, in which Canada shows itself in the best possible light, have given me a sense of pride in this country, which I think we all need.

Like every other country in the world, we need symbols. We need to applaud these symbols, not denigrate them. The Public Accounts Committee in the other place has not done itself proud with this petty work. The statements by members of the committee after their disgraceful behaviour reminded me of schoolyard bullies. I did not like bullies when I taught school and I do not like them now. We need to mature as Canadians, to take pride in our institutions, and some parliamentarians simply need to grow up.

ROUTINE PROCEEDINGS

ORGANIZATION OF AMERICAN STATES

MEETING OF THIRTY-FOURTH REGULAR SESSION OF GENERAL ASSEMBLY—REPORT TABLED

Hon. Dan Hays: Honourable senators, I ask for leave to table the report of the Thirty-fourth Regular Session of the General Assembly of the Organization of American States, held from June 6 to June 8, 2004, in Quito, Ecuador.

Hon. Percy Downe (The Hon. the Acting Speaker): Is leave granted, honourable senators?

Hon. Senators: Agreed.

ELECTION IN UKRAINE

FIRST ROUND—REPORT OF OBSERVER TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 28(4), and with leave of the Senate, I am pleased to table a report on the first round of the presidential election in Ukraine. I authored this report based on my trip to Ukraine from October 26, 2004 to November 4, 2004, as an election observer for the Organization for Security and Co-operation in Europe, the OSCE.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Rose-Marie Losier-Cool, Chair of the Committee of Selection, presented the following report:

Tuesday, November 30, 2004

The Committee of Selection has the honour to present its

THIRD REPORT

Your Committee recommends a change of membership to the following committee:

Standing Senate Committee on Official Languages

The Honourable Senator Murray is named as a member of the Standing Senate Committee on Official Languages.

Respectfully submitted,

ROSE-MARIE LOSIER-COOL
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Losier-Cool, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

BUSINESS OF THE SENATE

ADJOURNMENT

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That no later than 3 p.m. today, if the business of the Senate has not been completed, the Speaker shall interrupt the proceedings to adjourn the Senate.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

DEPARTMENT OF CANADIAN HERITAGE ACT PARKS CANADA AGENCY ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-7, An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Gill, bill placed on the Orders of the Day for second reading two days hence.

[English]

FEDERAL NOMINATIONS BILL

FIRST READING

Hon. Terry Stratton (Deputy Leader of the Opposition) presented Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Stratton, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER DOCUMENTS FROM STUDY ON BILL S-6 IN PREVIOUS SESSION TO STUDY ON BILL S-11

Hon. Lise Bacon: Honourable senators, I give notice that at the next sitting of the Senate, I will move,

That the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs during its study of Bill S-6, An Act to amend the Criminal Code (lottery schemes), in the Third Session of the Thirty-seventh Parliament be referred to the Committee for its study of Bill S-11, An Act to amend the Criminal Code (lottery schemes).

[English]

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS OF THE SENATE

Hon. Peter A. Stollery: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs have power to sit at 5 p.m. on Tuesday, December 7, 2004, even though the Senate may be then sitting, and that rule 95(4) be suspended in relation thereto.

I have a second notice to give, honourable senators, which has just come up. I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs have power to sit at 5 p.m. on Wednesday, December 1, even though the Senate may be then sitting, and that rule 95(4) be suspended in relation thereto.

[Later]

Honourable senators, I should like, with leave, to move the first motion now.

The Hon. the Speaker: Under Notices of Motions, is leave granted for Senator Stollery to put his motion now?

Hon. Senators: Agreed.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, this is getting a little confusing.

The Hon. the Speaker: We are on the issue of whether leave is granted.

Senator Stratton: I would ask for clarification. The honourable senator gave two notices of motion for tomorrow and now wishes to move them today. Can he give us a reason?

Senator Stollery: Honourable senators, if there is confusion, it is because the situation is confusing. I only received information an hour or so ago.

Originally, I introduced a notice of motion requesting permission to sit Tuesday next during the Senate sitting because the Minister for CIDA will be appearing. Then I introduced another notice of motion for the Foreign Affairs Committee to hear important witnesses tomorrow. I had intended to move both motions tomorrow, but in light of the circumstances, I wish to move them now.

Senator Stratton: Thank you.

Hon. Marcel Prud'homme: Honourable senators, in the past I have objected to this procedure because we cannot be in two places at the same time. However, I was informed a moment ago that today is an exceptional occasion. I say, with strong reservation, that I will not object.

Honourable senators will remember past interventions on my part, so I will avoid repeating myself. My argument has been the same over the years. Our first duty is to the chamber. There are items on the Order Paper in which I am interested, but because they are low on the list, I have no objection. If they were high on the list, I would have to object to the honourable senator's motions. I will consider his requests an exception in the event we are asked to grant the same privilege in the future.

The Hon. the Speaker: Honourable senators, I take it that leave is granted for both motions.

Hon. Senators: Agreed.

The Hon. the Speaker: Having dealt with the questions that were conditions of leave, we can now deal with the motions in the order in which Senator Stollery gave notice.

It was moved by the Honourable Senator Stollery, seconded by the Honourable Senator Poy:

That the Standing Senate Committee on Foreign Affairs have power to sit at 5 p.m. on Tuesday December 7, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Hon. the Speaker: Further, it was moved by the Honourable Senator Stollery, seconded by the Honourable Senator P  pin:

That the Standing Senate Committee on Foreign Affairs have power to sit at 5 p.m. on Wednesday, December 1, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. A. Raynell Andreychuk: Honourable senators, with leave of the Senate, I move:

That the Senate Standing Committee on Human Rights be authorized to sit at 4 p.m., Tuesday, December 7, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

• (1430)

BUSINESS OF THE SENATE

Hon. A. Raynell Andreychuk: Honourable senators, the Human Rights Committee sits on Mondays. In light of the fact that the minister has been accommodating and we want to complete part of our study before Christmas, we will hold our next meeting on Tuesday. I wish to inform all committee members who have to travel long distances that they need not be here Monday unless the Senate is otherwise sitting.

[Senator Stollery]

Honourable senators, I was attempting to find Senator Prud'homme, but he was not in the chamber. Now that he is in his seat, I should like to wish him happy birthday, as I am sure we all would.

Hon. Senators: Hear, hear.

QUESTION PERIOD

HERITAGE

CHILDREN OF MOWACHAHT AND MUCHALAHT FIRST NATIONS—REQUEST TO FUND VISIT TO OTTAWA FOR OPENING OF YUQUOT EXHIBIT

Hon. Pat Carney: Honourable senators, my question is addressed to the Leader of the Government in the Senate. I can advise him that we have a temporary reprieve in our quest for the funds to bring five Aboriginal youths from the Mowachaht and Muchalaht First Nations of Gold River to participate in the opening ceremonies in the Encounters at Yuquot exhibit at the Canadian Museum of Civilization following the refusal by the Minister of Canadian Heritage, Liza Frulla, to fund the youth group. The band advised me today that the opening has been delayed because the exhibit will not be installed in time for the opening date next week of December 11 and it is now scheduled for January 21. Unfortunately the Senate will not be sitting then.

Our request for modest funding of under \$10,000 to bring this Aboriginal youth group to Ottawa has included the helpful offices of Senator Austin, who is the senior political minister for B.C., the Honourable David Emerson, the junior political minister for B.C., and the Honourable Liza Frulla, the Minister of Canadian Heritage. Today I accosted the President of the Treasury Board, the Honourable Reg Alcock, on Wellington Street. His office later phoned me with a suggestion. I have written Senator George Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, about the use of travel points. I am also in constant contact with John Duncan, Member of Parliament for Vancouver Island North.

Everyone has been very helpful, but to date there has been no funding, which is around \$8,000. Does the government leader have any further information on this file to offer? We do have a little extra time, but we have to bring those children to Ottawa.

Hon. Jack Austin (Leader of the Government): Honourable senators, I commend Senator Carney for her diligence in this matter. I did make inquiries and was told that in fact the Yuquot community had never applied for funding and that the first "application" is in the form of a letter from Senator Carney; they applied through her. Unfortunately, I do not have the precise date of that application, but I understand it was dated sometime in October.

The short answer is that I have been pressing Minister Frulla's office to review the matter, and she has told me personally that she will do so.

Senator Carney: Honourable senators, that is very encouraging. Senator Austin and I have been engaged in a verbal historic exchange on the importance of the Yuquot exhibit. Senator Austin and I cannot agree. We know it is historic but we cannot agree with the history. He is rooting for the Spanish and I am rooting for the British. He maintains that the Spanish explorer Juan Pérez was the first to discover Nootka Sound. I can volley back that he never set foot in Nootka Sound. He anchored off Estevan Point, which is that fist of land south of Nootka and is very shallow. Captain Cook actually went into Nootka Sound. The name Nootka — and I have mentioned this before — means "come around." I will file a senator's statement on this clarification for the record, but I want to spare honourable senators this fascinating exchange on the Spanish and British exploration of the Pacific Northwest, although I would love to continue it and may do so.

Will the honourable leader undertake to take the lead on the Yuquot file for the next few weeks to ensure that the funding is put in place?

Senator Austin: Honourable senators, on the immediate question of Senator Carney, I cannot undertake that the funding will be put in place, but I will keep a watching brief over the consideration being given by the Department of Canadian Heritage.

On the question of history, what I did say in the Senate was that although the Spanish were unable to land because of weather, that did not intimidate the tribes that rowed out to meet them. Trading was done. In fact, Captain Cook discovered two Spanish silver spoons when he came four years later. If the honourable senator does not mind, we can consider this historical discussion a draw.

• (1440)

Senator Carney: Honourable senators, I do have a personal stake because one of the Spanish explorers, who was referenced by Senator Austin, Captain Narvaez, while on his way up Vancouver Island to Queen Charlotte Islands, discovered my island home of Saturna. The island is named after his tiny schooner, the *Santa Saturnina*.

However, I am willing to consider this historical discussion as a draw, subject to my statement in the Senate. I thank the leader for his assistance on this file.

The Hon. the Speaker: Honourable senators, I rise to take a moment of time to draw attention to our rules, specifically that Question Period is an opportunity to put a question with a short preamble, and to answer a question with a short preamble. The subject to which we have been listening is ideally suited to be a Notice of Inquiry.

CITIZENSHIP AND IMMIGRATION

ALLEGATIONS OF POLITICAL INTERFERENCE BY MINISTER—INVESTIGATION BY ETHICS COMMISSIONER—RESPONSE BY LEADER OF THE GOVERNMENT

Hon. David Tkachuk: Honourable senators, my question is for the Leader of the Government in the Senate.

Last week, while I was asking a question with regard to Ernst Zundel, I received the following response from the Leader of the Government in this place:

With respect to the honourable senator's remark regarding the Minister of Citizenship and Immigration, political commentary is expected, I suppose. My honourable friend may be aware that the minister has referred the matter to the Ethics Commissioner, who is responsible for the behaviour of public office-holders, including ministers, under the Prime Minister's code of conduct. The minister has said that she wants the report of the Ethics Commissioner to be made public.

I would urge that remarks relating to the event, which is now before the Ethics Commissioner, be reserved until the facts are known. I am sure Senator Tkachuk would not want his remarks to run ahead of the facts.

I followed the proceedings of the other place on the same day during its Question Period and, in fact, the government was answering questions, as it is their duty, with regard to the Minister of Citizenship and Immigration.

For example, when Stephen Harper, the Leader of the Official Opposition, queried Minister Sgro's judgment on filling jobs in the exotic dance business, he received a response from Minister Sgro. When he followed up, he received further answers from another minister, Anne McLellan, currently the Deputy Prime Minister.

With the chorus of voices answering questions in the other place, my question here is: On what authority can the Leader of the Government tell this chamber, and an honourable member of it, that he does not think it appropriate to answer questions or discuss a matter before the Ethics Commissioner? I should note that the Senate Hansard does not reflect the exchange exactly as it took place last Thursday, but it is as exact as I recall it. However, others will recall the leader's verbal response.

Hon. Jack Austin (Leader of the Government): Honourable senators, I am sorry, but may I ask Senator Tkachuk in what way Hansard does not reflect what took place in the chamber?

Senator Tkachuk: Honourable senators, the leader told me that he did not think it appropriate to answer questions or discuss the matter. I want to know under what authority he said that.

Senator Austin: The honourable senator is not saying the record was in some way tampered with.

Senator Tkachuk: I did not say that.

Senator Austin: You are not saying it.

I do not believe that there is any call for me to justify the way in which I answer questions on behalf of the government in this chamber. Those in the other place may choose to answer questions in a different way and, obviously, the minister herself

can answer on her own behalf. However, I am answering here for the ministry, and I have to ensure that my answers are accurate and reflect my own judgment of what is appropriate in the circumstances.

Senator Tkachuk: Honourable senators, be that as it may, the leader can answer questions any way he wants to in this chamber, but what he said was that he would not answer questions because the matter was in front of the Ethics Commissioner. That is what I am trying to get at.

Senator Austin: Honourable senators, Senator Kinsella in that same exchange raised the question of principle, and I dealt with that question in answering Senator Kinsella. There is nothing in the answers that I have given that indicate other than what in my view is a correct way for this matter to proceed.

Senator Tkachuk: Honourable senators, in that case, I will ask a supplementary question.

ALLEGATIONS OF POLITICAL INTERFERENCE BY MINISTER—INVESTIGATION BY ETHICS COMMISSIONER—COMMENTS BY PRIME MINISTER

Hon. David Tkachuk: Yesterday, in the other House, the Prime Minister was taking questions on this matter of political interference by a minister, and I found his remarks a little confusing. First, in response to a question, the Prime Minister said, and this is a translation since he spoke in French:

Mr. Speaker, as was said last week, there is a program, and there are soundings taken of industry to see if there is a need for workers. In the meantime, the program to which the Leader of the Opposition is referring is under examination; this is an exemption the department does not intend to continue.

I have never heard the expression "soundings," and I am wondering if the Prime Minister meant to say "feelers are taken of the industry, in this case, exotic dancers." Then, continuing to use the word "soundings," the Prime Minister in responding to further questioning, said:

Mr. Speaker, first of all, the department does soundings. There is no official program. It does soundings of areas where people are needed. It is no longer doing those soundings. It is over. That was a decision that has been taken.

That was Hansard of November 29, 2004.

My questions for the Leader of the Government are: What did the Prime Minister mean by "soundings"? Was it "feelers" he was talking about? Is there or is there not a program to fill the exotic dancer requirement in Canada through the Department of Citizenship and Immigration?

Hon. Jack Austin (Leader of the Government): Honourable senators, my concern is whether it is appropriate under our rules for proceedings in the other place to be read into our proceedings.

Senator Tkachuk: I am just asking the Leader of the Government for clarification.

The Hon. the Speaker: Honourable senators, this is not a point of order which, if it were, would be out of order at this time. However, the chair can be asked to clarify matters relating to our proceedings. Rule 46, which I believe is the operative rule the senator has in mind when asking his question, states:

The content of a speech made in the House of Commons in the current session may be summarized, but it is out of order to quote from such a speech unless it be a speech of a Minister of the Crown in relation to government policy. A Senator may always quote from a speech made in a previous session.

Relative to where we are, that is my response to our proceedings. I will allow the matter to proceed.

Senator Austin, I believe you were about to respond.

Senator Austin: Honourable senators, I would ask for further clarification. What is the definition of "speech"? Any statement made in the chamber is, by definition, I would allege, a speech.

The Hon. the Speaker: I believe we are now getting into a point of order. I will ask for the point of order to be brought forward at the appropriate time.

Senator Tkachuk: Honourable senators, I am not sure what happened here. First, the leader did not want to answer the question because the matter is before the Ethics Commissioner. Now when I ask a question he does not answer it. Then the Speaker stood and questioned my question by saying that he thought the leader was raising a point of order, which he has no right to do.

All I want to do is ask a question. That is what we do here in Question Period. I ask the question; the leader gives the answer. If he does not want to give the answer, he can say that. If that is how he wants to behave, he can go right ahead, but I am entitled to ask the question.

My question is, and I will repeat it: What did the Prime Minister mean by "soundings"? What was he talking about? Is there not a program, or was there a program, to fill the exotic dancer requirement in Canada through the Department of Citizenship and Immigration?

Senator Austin: Honourable senators, I will not interpret the Prime Minister's words or get into definitional questions. I will answer the last question asked by Senator Tkachuk by saying that Canada has a program to allow persons to come into Canada to be employed in categories in which there is a shortage of those particular skills. So far as I am aware, the exotic dancers who were admitted into Canada were admitted because there was a shortage of such skilled people in Canada.

CANADA-UNITED STATES RELATIONS

VISIT BY PRESIDENT—AGENDA OF DISCUSSIONS— DECRIMINALIZATION OF MARIJUANA— EFFECT ON CROSS-BORDER TRADE

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate.

In view of the fact that there is great concern in the business and transportation communities with regard to the decriminalization of the possession of smaller amounts of marijuana, was that an issue that the government put on the agenda for discussion with President Bush today?

• (1450)

Hon. Jack Austin (Leader of the Government): Honourable senators, I am not aware of whether the question of the decriminalization of marijuana in Canada was on the agenda for discussion.

Senator St. Germain: Honourable senators, does the minister not think that, in view of the fact that trade is such an important issue and that cross-border issues are so integral to the well-being of the economy of our country, that it is something that should be raised and discussed at this particular point in time?

I understand that the Prime Minister has clearly stated that this is an issue that Canada does not feel it must discuss. However, it is like me living next door to my neighbour; I do not have to discuss matters with him but, if I aggravate him, it is not a good situation. Does the leader not think that the President should be advised of the intentions of the government to introduce this type of legislation?

Senator Austin: Honourable senators, I am quite satisfied that the Embassy of the United States carefully tracks our parliamentary process and is aware of the proposed legislation introduced in the other place.

With respect to the agenda, though I do not know if the specific item is on the bilateral agenda. I do know that I have strenuously advised that time be taken to raise the softwood lumber and BSE issues that are aggravating large numbers of Canadian producers in this country.

Senator St. Germain: Honourable senators, I think the minister is playing with words. He knows that I have stood here and questioned him on the subjects of BSE and softwood lumber. Those subjects are not the issue. The issue is that, if we take this arbitrary position on the decriminalization of marijuana, these other issues will be greatly jeopardized. The minister knows that if border controls are further tightened, cross-border issues will be exacerbated.

It is incorrect to say that I am not concerned about BSE and softwood lumber. That is why I ask the question of the minister: If these subjects have not been broached, could they be raised?

Senator Austin: Honourable senators, I do not believe that I said anything in my answer that reflected on Senator St. Germain not being concerned about either the softwood lumber or the BSE issue. I simply said that those issues have priority because they concern the immediate economic position of so many Canadians.

I am fully willing to admit that the honourable senator has been totally occupied with the problems of our softwood lumber producers and has made skillful representations with respect to them.

The agenda of President Bush and Prime Minister Martin will be discussed in communiqués following their meetings. No doubt tomorrow we will have an opportunity to examine that agenda carefully.

SOCIAL DEVELOPMENT

ELIMINATION OF CHILD POVERTY

Hon. Wilbert J. Keon: Honourable senators, my question is for the Leader of the Government in the Senate on the subject of child poverty.

Fifteen years ago, on November 24, 1989, the other place unanimously passed a motion to eliminate child poverty in Canada by the year 2000. Despite a strong economy and year after year of federal budget surpluses, our country is still a long way from eradicating child poverty.

A report from Campaign 2000 states that, in 2002, the child poverty rate went up for the first time since 1996. One in six Canadian children — over 1 million all together — now lives below the poverty line. Almost half of these children live in a family where at least one parent has a full-time job. Why, with seven budget surpluses in a row, has the government allowed Canada's child poverty rate to increase?

Hon. Jack Austin (Leader of the Government): Honourable senators, I take this question as a representation. I will certainly provide a response that details the economic and social programs that deal with child poverty. I will ensure that the answer deals fully with the statistics that relate to the issue. As the honourable senator knows, this is not the kind of question that I could answer in a moment or two here.

Senator Keon: Honourable senators, the United Nations has pointed out Canada's failings toward its children. In 2000, the UN ranked Canada's child poverty rate as 17 out of the 23 wealthiest OECD countries. The UN report deemed that ranking a sharp fall from grace as far as Canada was concerned.

On his recent tour, the Prime Minister dealt with poverty in underdeveloped countries. My question is: Will the government be taking steps to provide leadership to the world in dealing with child poverty?

Senator Austin: Honourable senators, I wish to assure honourable senators that we have put in place a number of programs that focus on dealing with child poverty in the

underdeveloped or developing world. Again, I will add to my response an answer that outlines those programs, the efforts we are making, and the nature of the funds that we are placing in those programs.

Whatever effort is made, it is not enough to fully accomplish the cessation of child poverty. This is an endemic situation that is complicated by all sorts of issues: cultural, social, economic and political. It is a most complex issue. Nonetheless, in our international program, it is a dedicated sector of our work.

In domestic terms, the Senate is well aware that the government intends to move forward with an aggressive program in child care in Canada and to focus particularly on areas that make child care available and affordable to lower income communities in this country.

FOREIGN AFFAIRS

CHINA AND TIBET—REPRESENTATIONS TO COMMUTE DEATH SENTENCE OF TENZIN DELEK RINPOCHE

Hon. Consiglio Di Nino: Honourable senators, on December 2, 2002, a court in the Kardze Tibetan Autonomous Prefecture of Sichuan Province in China sentenced to death Tenzin Delek Rinpoche and Lobsang Dhondup for alleged political offences.

Mr. Dhondup was executed on January 26, 2003.

The death sentence for Tenzin Delek Rinpoche was suspended for two years, which suspension expires this Thursday, December 2. I understand that representations have been made to our government to plead with China to commute the death sentence and to call for a new trial.

Does the Leader of the Government in the Senate have any knowledge to share about where this file may be?

Hon. Jack Austin (Leader of the Government): Honourable senators, I was not previously informed of this issue by Senator Di Nino, but I will make an inquiry. I understand the urgency, and I will try to provide some answer by tomorrow.

Senator Di Nino: Honourable senators, I thank the leader for that. I hope that I can speak on behalf of all honourable senators in urging the leader to urge his colleagues to intercede to stop these senseless and barbaric executions.

Senator Austin: Honourable senators, may I ask that Delayed Answers be called so that Senator Rompkey can provide information that was previously requested?

The Hon. the Speaker: It is three o'clock, honourable senators. Is it your wish that we not see the clock for the purpose of dealing with Delayed Answers?

Hon. Senators: Agreed.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour of presenting responses to four delayed answers to oral question posed in the Senate.

The first response is to an oral question raised by Senator St. Germain on November 16, 2004, in regard to Innu suicide in Newfoundland and Labrador. The second and third are in response to oral questions raised in the Senate on November 16, 2004, by Senator Keon in regard to Innu suicide in Newfoundland and Labrador. The fourth is in response to an oral question raised in the Senate by Senator Spivak on November 16, 2004, in regard to advertising to reduce tobacco use.

HEALTH

NEWFOUNDLAND AND LABRADOR— INNU SUICIDE RATE—PREVENTION WORKSHOPS

(Response to question raised by Hon. Gerry St. Germain on November 16, 2004)

Innu and Inuit suicides are an urgent and complex matter. The Government of Canada supports community healing and is working with the Innu communities to provide programs that reduce risk factors and increase protective factors.

One-on-one counselling services are available in both Innu communities through the family support workers, addictions counsellors and the health centres.

In addition, the Labrador Health Secretariat in Goose Bay has a psychologist and mental health and addictions staff who work closely with the health centres in both Innu communities to address suicide prevention, solvent abuse, and other social issues.

The social problems that we're working with the Innu to address have developed over several decades. There have been encouraging results and many individual successes but healing will take time.

(Response to questions raised by Hon. Wilbert J. Keon on November 16, 2004)

As the Newfoundland and Labrador Centre for Health Information study suggests, suicide is caused by multiple factors and no simple solution exists.

The Government of Canada is working with the Innu communities to provide programs that reduce risk factors and increase protective factors.

Health Canada has been working with the Innu community of Natuashish to respond to recent suicides.

Health Canada's efforts are focused on: training workers; conducting suicide prevention sessions; facilitating linkages to other communities with similar experiences; helping the community develop suicide response plans and community response teams; and preparing for a suicide prevention conference in January 2005.

The statistics in the Newfoundland and Labrador Centre for Health Information study are attempted suicides. The Government of Canada is working with the province and the Innu communities on activities to help prevent these attempted suicides from becoming completed suicides.

Minister Dosanjh met with former chief of Natuashish, Simeon Tshakapesh, in St. John's on September 21, 2004 regarding his concerns. Subsequently, a member of the Minister's staff contacted Mr. Tshakapesh to follow-up.

In response to recent suicides, Health Canada has been working closely with the community of Natuashish to implement an immediate action plan that focusses on training workers; conducting suicide prevention sessions; facilitating linkages to other communities with similar experiences; helping the community develop suicide response plans and community response teams; and preparing for a suicide prevention conference in January 2005.

Specifics on suicide prevention activities:

- There were no cancellations of suicide prevention workshops.
- ASSIST training for suicide prevention was given in Goose Bay in early June. Ten people from Natuashish participated including the health director and mental health counsellors.
- 60 students in Natuashish recently attended a workshop with Health Canada staff on suicide prevention.
- Representatives from both Innu communities will be attending a training session on First Nations and Inuit suicide prevention in Montreal this month.
- Health Canada is currently working with community leaders from both Sheshatshiu and Natuashish on a suicide awareness conference being planned for January. The conference will focus on the celebration of life as well as provide community members with information on suicide prevention and the services available in the community.

ADVERTISING TO REDUCE TOBACCO USE

(Response to question raised by Hon. Mira Spivak on November 16, 2004)

We are confident that as new measures aimed at strengthening the management of the government's advertising activities are introduced, tobacco control advertising funding will be re-established.

As you know, the Federal Tobacco Control Strategy is showing results. A momentum has been established and this momentum must be sustained in order for goals to be met. We know that social marketing initiatives tend to generate

change after two to five years of sustained messaging, so sustained funding is critical.

Given the pressures of emerging Government of Canada priorities, Health Canada has had to internally reallocate some of its funding. It would be preferable to maintain or even increase funding to all our initiatives, however reality means we need to make some difficult choices. We have a responsibility to look at the bigger picture to ensure that all priorities are adequately met.

The Senate adjourned until Wednesday, December 1, 2004 at 1:30 p.m.

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